



2026:DHC:4901



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 29.05.2026

+ O.M.P.(MISC.)(COMM.) 425/2026 & I.A. 15460/2026 (EX.)

SUPREME PANVEL INDAPUR TOLLWAY PRIVATE LIMITEDPetitioner

Through: Mr. Subhro Prokas Mukherjee
and Mr. Md. Shah
Minjahuddin, Advocates

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Ankur Mittal, Mr. Abhay
Gupta, Ms. Ipshita Dutta and
Ms. Rabaica Jaiswal, Advs.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

JUDGEMENT (Oral)

1. The present Petition, under Section 29(A)(5) of the **Arbitration and Conciliation Act, 1996**¹, has been filed seeking an extension of the time of the mandate of the learned **three-member Arbitral Tribunal**² up to 30.05.2027.
2. Material on record indicates that the parties entered into a **Concession Agreement dated 21.01.2011**³.
3. Subsequently, the disputes arose between the parties, and the

¹ Act

² Arbitral Tribunal

³ Agreement



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learned Arbitral Tribunal came to be constituted. Thereafter, the arbitral proceedings witnessed multiple intervening developments, including challenges to various orders passed by the learned Arbitral Tribunal, appellate proceedings arising therefrom, as well as the initiation of CIRP proceedings in respect of one of the parties, which contributed to the delay in the conclusion of the arbitral proceedings.

4. It is further submitted that upon expiry of the statutory period, the parties, by mutual consent, extended the mandate of the learned Arbitral Tribunal by a further period of six (06) months in terms of Section 29A(3) of the Act. However, the said extended period has also since expired, necessitating the filing of the present Petition.

5. It is stated that despite the aforesaid extension, the arbitral proceedings have not progressed beyond the stage of pleadings. Accordingly, it is prayed that the mandate of the learned Arbitral Tribunal be extended till 30.05.2027.

6. Learned counsel for the Respondent, who is appearing on advance service, on instructions, submits that he has no objection to the relief as sought in the present Petition.

7. This Court has heard learned counsel for both parties and perused the record of the present Petition.

8. This Court is of the view that, in the interest of justice, to ensure continuity and consistency, and since both the parties are *ad idem* for the said extension, there is no impediment in the grant of relief as sought for.

9. At this juncture, it is apposite to note the relevant statutory provision. Section 29-A of the Act prescribes the timeline for making an arbitral award and stipulates the consequences of non-compliance.



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For clarity, Section 29-A of the Act is reproduced below:

- “29-A. Time limit for arbitral award.**— [(1) The award in matters other than international commercial arbitration shall be made by the arbitral tribunal within a period of twelve months from the date of completion of pleadings under sub-section (4) of Section 23;
- (2) If the award is made within a period of six months from the date the arbitral tribunal enters upon the reference, the arbitral tribunal shall be entitled to receive such amount of additional fees as the parties may agree.
- (3) The parties may, by consent, extend the period specified in sub-section (1) for making award for a further period not exceeding six months.
- (4) If the award is not made within the period specified in sub-section (1) or the extended period specified under sub-section (3), the mandate of the arbitrator(s) shall terminate unless the court has, either prior to or after the expiry of the period so specified, extended the period: Provided that while extending the period under this sub-section, if the court finds that the proceedings have been delayed for the reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent for each month of such delay: [Provided further that where an application under sub-section (5) is pending, the mandate of the arbitrator shall continue till the disposal of the said application: Provided also that the arbitrator shall be given an opportunity of being heard before the fees is reduced.]
- (5) The extension of period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.
- (6) While extending the period referred to in sub-section (4), it shall be open to the Court to substitute one or all of the arbitrators and if one or all of the arbitrators are substituted, the arbitral proceedings shall continue from the stage already reached and on the basis of the evidence and material already on record, and the arbitrator(s) appointed under this section shall be deemed to have received the said evidence and material.
- (7) In the event of arbitrator(s) being appointed under this section, the arbitral tribunal thus reconstituted shall be deemed to be in continuation of the previously appointed arbitral tribunal.
- (8) It shall be open to the Court to impose actual or exemplary costs upon any of the parties under this section.
- (9) An application filed under sub-section (5) shall be disposed of by the Court as expeditiously as possible and endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.”

10. The Hon’ble Supreme Court, in *Rohan Builders (India)*



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*Private Limited v. Berger Paints India Limited*⁴, examined Section 29-A in detail and clarified its scope, ambit, and mandate thereof.

11. In view of the foregoing discussion, the law laid down by the Hon'ble Supreme Court and the facts of the present case, this Court is of the considered opinion that the present Petition ought to be allowed.

12. Accordingly, the mandate of the learned Arbitral tribunal is extended for a further period of twelve months, i.e., till 30.05.2027. Further, the period from 07.08.2023 till the date of this order also stands regularised.

13. Accordingly, the present Petition, along with pending Application(s), if any, stand disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
MAY 29, 2026/rk/jk/kv

⁴ 2024 SCC OnLine SC 2494