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

+ O.M.P. (COMM) 486/2023, I.As. 23953/2023

M/S SUPREME INFRASTRUCTURE INDIA LIMITED

..... Petitioner

Through: Appearance not given.

versus

ENGINEER IN CHIEF, ARMY HEADQUARTERS

REPRESENTED THROUGH THE DIRECTOR GENERAL OF THE  
MARRIED ACCOMODATION PROJECT

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**01.12.2023**

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1. Fresh petition under Section 34 of the Arbitration & Conciliation Act, 1996 has been filed.
2. Notice of the petition be sent to the respondent on filing of PF, to be served through ordinary post as well as electronic mode, returnable for the next date of hearing.
3. Learned counsel for the petitioner has submitted that this Award has been delivered by the learned Arbitrator after mis-mandate in terms of Section 29(A) of the Act had come to an end. Learned Arbitrator was appointed on 16.12.2015. The mandate of the learned Arbitrator according to Section 29(A) of the Act was for one year in addition to six months extension with the consent of both the parties. However, the Award has been delivered on 12.08.2023 which is much beyond the mandate of the



learned Arbitrator. No extension, whatsoever, had been sought on behalf of learned Arbitrator, therefore, the Award is nonest.

4. Learned counsel for the petitioner has relied upon the judgments of Hiran Valiyyakkil Lal and Ors. Vs. Vineeth M.V. and Ors. MANU/KE/1638/2023 of the Kerala High Court and TATA Sons Pvt. Ltd. vs. Siva Industries and Holdings Ltd. and Ors. MANU/SC/0039/2023 of the Apex Court, wherein it is held that Section 29(A) is mandatory.

5. In view of the submissions made, the operation of the Award is stayed till the next date.

**I.A.23955/2023 (under Section 151 CPC on behalf of the petitioner seeking Exemption)**

6. Allowed, subject to just exceptions.

7. The application is accordingly disposed of.

**I.A.23954/2023 (under Section 151 CPC on behalf of the petitioner for summoning of the Original and Entire Arbitral Records)**

8. The e-record of the arbitral proceedings be summoned for the next date of hearing.

9. The application is accordingly disposed of.

**O.M.P. (COMM) 486/2023**

10. Renotify on 28.02.2024.

**NEENA BANSAL KRISHNA, J**

**DECEMBER 1, 2023/va**