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

\+ O.M.P. (MISC.) 18/2025

SAT PRAKASH & ANR. .....Petitioners

Through: Ms. Smita Maan, Mr. Kartik Dabas and Mr. Vishal Maan, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Vijay Joshi, SPC for UoI.

Mr. Shivam Goel, Mr.Anil Kumar Goyal, Ms. Ramya S. Goel, and Ms.Sanya Sharma, Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 28.05.2025

I.A. 13755/2025 *(Exemption)*

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

O.M.P. (MISC.) 18/2025

3. This petition is filed on behalf of the Petitioner under Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking extension of the mandate of the learned Sole Arbitrator.

4. Petitioners are stated to be co-owners of land admeasuring 3 bighas 8 biswas, situated in the Revenue Estate of Village Bijwasan, Delhi, having purchased the same vide a registered Sale Deed, land was acquired by Respondent No. 2/NHAI. Petitioners filed the claim petition on 22.03.2022 under Section 3G(7) of the National Highways Act, 1956 ('1956 Act') before the concerned Land Acquisition Collector (LAC), South West, acting

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and exercising powers of a statutory Arbitrator for determining compensation under Section 3G(5) of 1956 Act. Pleadings were completed in the arbitral proceedings in November, 2022.

5. It is stated in the petition that the present arbitral proceedings and connected arbitration petitions were listed before the statutory Arbitrator on several occasions, however, for some reason or the other, the proceedings could not be completed and are still pending and since the time for passing the arbitral award has expired, Petitioners have taken recourse to this petition for extension of the mandate of the Arbitrator.

6. Ms. Smita Maan, learned counsel for the Petitioners that the delay in conclusion of the arbitral proceedings is on account of the fact that the arbitration is being conducted by a statutory Arbitrator, who is a nominated officer of the Government under the 1956 Act and these proceedings are tagged with several other petitions pertaining to acquisition of other lands in the same village, acquired vide a common award, for public purpose. There has been a frequent change of the Arbitrators due to postings etc., or preoccupation in administrative duties and the delay cannot be attributed to the Petitioners. Learned counsel further submits that in connected arbitration petitions pending before the same Arbitrator, this Court has from time to time extended the mandate, which is evident from the orders appended to this petition.

7. Issue notice.

8. Learned counsels, as above, accept notice on behalf of the respective Respondents.

9. There is substance in the contention of the counsel for the Petitioners that the arbitral proceedings in the present case could not be concluded

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expeditiously since these are tagged with a number of other petitions, concerning acquisition of lands under a common award as also the frequent change of the statutory Arbitrator. In various petitions filed before this Court under Section 29A (4) and (5) of 1996 Act pertaining to the same land and statutory Arbitrator, Court has extended the mandate by a period of one year.

10. The Supreme Court in ***Rohan Builders (India) Private Limited v. Berger Paints India Limited, (2024) SCC OnLine SC 2494***, has held that an application for extension of time for passing an arbitral award under Section 29A (4) and (5) of 1996 Act is maintainable even after expiry of 12 months of extended six months period, as the case may be. In the present case, the mandate of the Arbitrator has expired in August, 2022 and the proceedings are at the stage of Claimants' evidence.

11. Accordingly, with the consent of the parties, mandate of the Arbitrator is extended by a further period of one year from 28.05.2025 and period from the expiry of the mandate till 27.05.2025 is regularised.

12. Petition is allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 28, 2025
S.Sharma

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