

OMP (Misc.) (COMM) 8/26
NOUS BRAND SOLUTIONS Vs. Raheja Developers Ltd

18.07.2026

Present: Sh. Ravindra Nath Pareek, Ld. Counsel for petitioner
(through V/C).
Sh. Gurtej Pal Singh, Ld.Counsel for respondent
(through V/C).

ORDER

1. The petitioner has filed an application u/s. 29-A (4) and (5) of the Arbitration and Conciliation Act seeking extension of mandate of Ld. Sole Arbitrator appointed pursuant to orders passed by the Hon'ble High Court in Arbitration petition no.944/2021. It is stated that on 02.03.2022 the Hon'ble High Court had referred the dispute between the contesting parties to arbitration. On 21.07.2022 the parties were given liberty to explore settlement through mediation with further liberty to approach DIAC in case the settlement was not arrived at. On 23.02.2023 after the failure of mediation the petitioner approached Hon'ble High Court and vide order dt. 23.02.2023 disputes were referred to DIAC for continuation of arbitral proceedings. The petitioner has annexed all the orders alongwith the petition.
2. It is stated that the first hearing in the matter took place on 08.05.2024. The statement of claim was filed on 31.07.2024. The respondent filed statement of defence on 06.11.2024. The

pleadings were completed by 26.11.2024. The evidence was concluded on 25.07.2025. The petitioner advanced final arguments on 12.08.2025. On 21.08.2025 respondent produced an order of NCLT directing issuance of moratorium against respondent. On 25.08.2025 NCLAT directed no further steps would be taken in pursuance of the NCLT order. Ld. Arbitrator adjourned the matter sine die in view of the confusion prevailing over the orders of NCLT and NCLAT.

3. It is stated that during the aforesaid the statutory period expired on 25.11.2025. The arbitral proceedings were substantially completed and only formal completion by way of respondent's final argument and pronouncement of award remained. It is stated that delay occurred on account of insolvency proceedings, which were beyond the control of petitioner. It is stated that on 10.04.2026 NCLAT stated that petitioner was free to take legal recourse of action. In view of above, the petitioner is seeking extension of mandate of Ld. Arbitrator for a period of 12 months.
4. The petition came to be taken up on 26.05.2026. Notice was issued to the respondent for 06.06.2026. On the said date Ld. Counsel for respondent sought adjournment and matter got listed for 13.07.2026, on which date the Presiding Officer was on leave and the matter got listed for today.

5. Today Ld. Counsel for respondent stated that he had no objection in extension being granted for the continuation of arbitral proceedings. Section 29-A (1) lays down the time limit of 12 months for pronouncement of an award while sub section 3 of same section says that the parties by consent can extend the time for making award beyond 12 months up to an additional period of 6 months. As per sub section 4 the mandate would expire after the extended period of six months agreed between the parties expires unless the court extends the period prior or after the expiry of the period. Sub section 5 says that parties may file application for extension of time and proviso to sub section 4 says that during the pendency of this application the mandate of arbitrator shall continue.
6. It appears from pleadings that the mandate of Ld. Arbitrator had expired on 25.11.2025. The application was filed on 21.05.2026. The Hon'ble Supreme Court in **Rohan Builders (India) Pvt. Ltd. Vs. Berger Paints India Ltd., Civil Appeal No.23320 of 2023 & Ors.** held that “... *application for extension of the time period for passing an arbitral award under [Section 29A\(4\)](#) read with [Section 29A\(5\)](#) is maintainable even after the expiry of the twelve-month or the extended six-month period, as the case may be.*” The application filed on 21.05.2026, therefore, is maintainable u/s. 29-A (4) (5) of A & C Act. The respondent has not taken any objection to the application suggesting any default on part of either the arbitrator or the petitioner as would disentitle the

petitioner from getting this extension. No objection has been taken regarding the dates given by the petitioner in the list of dates.

The petitioner has given reasonable grounds ie of pending proceedings before NCLT and NCLAT and the adjourning of the matter sine die by Ld Arbitrator in view of the said orders and further stating that the clarity came only after the order of Ld. NCLAT dt.10.04.2026. The application was filed within a reasonable time from the date of order of NCLAT.

7. In view of the given facts and the law, the mandate of Ld. Sole Arbitrator is extended for a period of 12 months w.e.f 25.11.2025, the date on which it was to expire in view of the completion of pleadings on 26.11.2024 as stated by the petitioner in the application. The application accordingly stands disposed off. File be consigned to record room.

A copy of this order be given dasti to the parties, as prayed for.

(Anuradha Shukla)
District Judge
(Commercial Court-02)
South Distt., Saket, New Delhi/18.07.2026