

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Arbitration Case No.29 of 2025****Date of Decision : 11.07.2025****Hari Chand and others****..... Petitioners*****Versus*****National Highway Authority of India and another****.....Respondents*****Coram:*****The Hon'ble Mr. Justice Bipin Chander Negi, Judge***Whether approved for reporting?¹ No*

For the petitioners : Mr. Ashir Kaith, Advocate, vice Mr. Hamender Singh Chandel, Advocate.

For the respondents : Mr. Karan Sharma, Advocate, for respondent No.1.
Mr. Raj Kumar Negi, Additional Advocate General, respondent No.2.

Bipin Chander Negi, Judge (oral)

By way of this application, a prayer has been made to extend the period of mandate of Arbitrator in Arbitration Case No. 71 of 2017.

2. It is averred that the respondents had got the matter adjourned before the Arbitrator many times for filing reply. It is also averred that due to Covid-19 pandemic the proceedings could not be effectively undertaken by the Arbitrator for considerable period of time. The Arbitrator ultimately vide order dated 13.03.2023 kept the proceedings in abeyance on the ground that his



mandate had expired in terms of the provisions of Arbitration and Conciliation Act, 1996.

3. Reply has been filed on behalf of respondent No.1. Factual aspect could be denied by the respondents. Evidently, a lot of time elapsed and was wasted due to the condition prevalent consequent to Covid-19 Pandemic. It also appears that due to said reason a huge pendency of arbitration cases got accumulated before the Arbitrator. In such circumstances, none of the parties or Arbitrator can be faulted for the delay caused in final adjudication of the matter.

4. Keeping in view the peculiar facts and circumstances of the case, the instant petition is allowed and the mandate of the learned Arbitrator to conclude the proceedings is extended by six months from the date of passing of this order. Since, the proceedings in the arbitration have been delayed considerably, it will be open for NHAI to agitate its rights in respect of payment of interest during the pendency of arbitral proceedings before the Arbitrator.

Petition stands disposed of accordingly.

July 11, 2025 (KS)

(Bipin Chander Negi)
Judge