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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(MISC.)(COMM.) 29/2023

VIVEK AGGARWAL AND ANR. Petitioner

Through: Mr.Arjun Singh Bhati with
Mr.Gurdeep Singh, Mr.Abhinav Nagar, Advs.

versus

MR HEMANT AGGARWAL & ORS. Respondent

Through: Mr.Ratan Kumar Singh, Sr.Adv.
Mr.Aditya Gupta with Mr.Jaspal Singh,
Ms.Namrah Nasir, Advs for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.12.2023

1. The present petition under Section 29A of the Arbitration and Conciliation Act seeks extension of time for completion of arbitration proceedings and rendering of the award, which are pending before the learned Arbitrator since 2019.
2. The petition is sought to be vehemently opposed by the respondents on the ground that the learned Arbitrator has been acting in violation of the orders of this Court and therefore, the respondents are not agreeable to extension of her mandate. In support of his plea, learned senior counsel for the respondent no.1 relies on order dated 07.10.2022 passed by the learned Arbitrator and submits that she has acted in breach of this Court's order dated 01.09.2021 passed in ARB.A.(COMM) 37/2019, which appeal was filed by the respondent no.1 assailing the earlier order passed by the learned arbitrator on



18.10.2019.

3. Learned counsel for the petitioners submits that since the respondents had already unsuccessfully challenged the order dated 07.10.2022 vide ARB.A.(COMM) 82/2022, they cannot be now permitted to urge that the same had been passed by learned Arbitrator by ignoring this Court's order dated 01.09.2021.
4. In response, learned senior counsel for the respondent no.1 seeks to contend that the grounds, which are now being raised were never taken before this Court in the ARB.A.(COMM) 82/2022. However, this plea of the respondent is not borne out from the record and, therefore, the respondent no.1 is directed to place on record a copy of the appeal paperbook in ARB.A.(COMM) 82/2022 within a period of two weeks.
5. List on 12.01.2024.

REKHA PALLI, J

DECEMBER 5, 2023
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