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

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**Date of decision: 30.04.2020**

+ OMP (MISC) COMM 109/2020

MINTELLECTUALS LLP

..... Petitioner

Through: Mr. Hrishikesh Baruah, Advocate

versus

LAVA INTERNATIONAL

..... Respondent

Through: Mr. Abhay Raj Verma, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**JYOTI SINGH, J. (ORAL)**

**IA No.3778/2020 (exemption from filing certified and clear copies)**

Allowed, subject to all just exceptions.

Application stands disposed of.

**IA No.3777/2020 (exemption from filing court fee and duly signed and affirmed affidavits)**

In view of the reasoning stated in the application, the same is disposed of with a direction to the applicant to file duly signed and affirmed affidavits and pay the requisite court fee within a period of one week of lifting of the lockdown.

Application stands disposed of.

**OMP (MISC) COMM 109/2020**

1. Hearing has been conducted through video conferencing.

2. Present petition has been filed under Section 29A(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking extension of time for passing of the Award.
3. The present Arbitration Proceedings between the parties arose out of a Research and Collaboration Agreement dated 01.07.2017 which contains an Arbitration Clause.
4. The Arbitral Tribunal was constituted on 19.10.2018 and pleadings between the parties were completed on 31.12.2018. On 18.02.2019, parties informed the Tribunal that the case could be decided on the basis of documents filed by the parties and no oral evidence would be led.
5. Twelve months' statutory period having expired, the Tribunal vide its order dated 17.08.2019 extended the period for completion of the proceedings for six months, with the consent of the parties. Thereafter, final arguments were heard on several dates and arguments were completed on 19.02.2020.
6. The Tribunal reserved the Award on 19.02.2020 and by the same order granted time to the parties, as sought, till 20.03.2020 to file their written submissions. In the same order, the Tribunal observed that it may not be possible for the Tribunal to pass an Award by 18.04.2020, the date on which the extended period of six months was to expire. Relevant portion of the order dated 19.02.2020 is as under :-

*“The parties have been given time to their written submissions by 20<sup>th</sup> March 2020 and it will not be possible for the arbitral Tribunal to make the award by 18<sup>th</sup> April 2020. Hence the parties have agreed that they will file a joint application before the Hon'ble Delhi High Court for extension of time by a reasonable period for making the Award.”*

7. Learned counsel for the petitioner submits that the parties had agreed before the Tribunal that they would move a joint application before this Court to seek extension of time for passing the Award. However, on account of the present circumstances, which have arisen on account of Pandemic Covid-19, the parties could not prepare a joint application. Written submissions have been filed by the parties and thus the time be extended for passing the Award.

8. Issue notice.

9. Mr. Abhay Raj Verma, Advocate accepts notice on behalf of the respondent.

10. Learned counsel for the respondent submits that the respondent has no objection to the present petition being allowed and, in fact, the respondent had given its consent before the Arbitral Tribunal to move a joint application before this Court.

11. Having heard the parties, I am of the view that the present petition deserves to be allowed.

12. Accordingly, time for making and passing of the Award is extended by a period of three months with effect from 19.04.2020.

13. Petition is allowed in the aforesaid terms.

14. The order be uploaded on the Website of Delhi High Court. Copy of the order be also sent to the respective counsels through email.

**JYOTI SINGH, J**

**APRIL 30, 2020**

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