

2019 Amendment to Section 29A of Arbitration and Conciliation Act – Prospective or Retrospective?

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The Hon'ble Delhi High Court, in the matter of *Harkirat Singh Sodhi v. Oram Foods Pvt Ltd & Ors.*, reiterated the view taken by Co-ordinate Bench in the matter of *ONGC Petro Additions Limited v. Ferns Construction Co. INC* that the 2019 amendment to *section 29A(1)* of the Arbitration & Conciliation Act, 1996 (“**2019 Amendment**”), are **procedural in nature** and are **applicable to all arbitration proceedings pending** as on the date of the 2019 Amendment coming into force.

Pursuant to the 2019 Amendment, the time period of *12 months* for rendering an award was to be calculated from the **date of completion of pleadings** and not from the date when the arbitral tribunal entered upon the reference as provided under the unamended section.

In the present case, the Hon'ble Delhi High Court considered the retrospective nature of 2019 Amendment to *section 29A(1)* and observed that the date of completion of pleadings was 29.08.2019, thereby initiating the 12-month period for rendering the award. However, the Hon'ble Court relied on the order passed by the Hon'ble Supreme Court of India in *In Re: Cognizance for Extension of Limitation*, to exclude the period from *15.03.2020 to 28.02.2022* while determining 12-month period for rendering the award and observed that the 12-month timeline for making the award expired on 16.08.2022. Accordingly, granted an extension.