

Court No. - 19

Case :- MATTERS UNDER ARTICLE 227 No. - 5762 of 2023

Petitioner :- Maharashtra Power Transmission Structures Pvt. Ltd. Thru. Chief Executive Officer Anshika Shaw

Respondent :- Presiding Officer Commercial Court Ii Lko. And Another

Counsel for Petitioner :- Syed Aftab Ahmad, Asma Shamim

Hon'ble Jaspreet Singh, J.

Heard Shri Syed Aftab Ahmad, learned counsel for the petitioner and Shri Puneet Chandra, learned counsel, who usually appears on behalf of U.P. Power Transmission Corporation was called upon by the Court noticing the limited prayer made by the learned counsel for the petitioner in the instant petition.

A copy of this petition was served on Shri Puneet Chandra who was given time to peruse the same.

The petitioner has approached this Court only with a limited prayer that a petition under Section 34 of the Arbitration and Conciliation Act, 1996 is pending before the Commercial Court No.2, Lucknow which may be expedited.

Learned counsel for the petitioner submits that though the pleadings in the matter have already been exchanged between the parties and a number of dates have been fixed yet it has not been taken to its logical conclusion.

Shri Chandra, learned counsel for the respondent No.2 has submitted that insofar as the order-sheets filed by the petitioner are concerned, it cannot be said that any delay is attributable to the respondent No.2. However, insofar as the expedition is concerned, the Legislature has already mandated the same by amending Section 34 of the Act of 1996 and to that extent he has no grievance.

Considering the fair stand taken by the respondent No.2 and also the fact that the matter is pending before the Commercial Court No.2, Lucknow since 2020 whereas after the amendment made in the Act of 1996 such petitions ordinarily should be decided preferably within a period of one year.

Be that as it may, without entering into the merits of the case,

this Court is of the opinion that ends of justice can be served if the Commercial Court No.2, Lucknow is directed to take up the matter and make an endeavour to decide the same preferably within a period of six months from the date a certified copy of this order is placed before the Court concerned.

It is made clear that the Court has not examined the case of either of the parties on merits and the Court concerned shall decide the matter on its own merits.

With the aforesaid, the petition is **disposed of**.

Order Date :- 8.11.2023

Rakesh/-