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

+ **FAO(OS) 42/2016**

HYTHRO POWER CORPORATION LTD & ANR Appellants

Through Mr J. Sivanandaraaj with Mr Mohd.
Nizamudddin Pasha, Advocates.

versus

AVIGO TRUSTEE COMPANY PVT LTD & ANR Respondents

Through Mr Aditya Tiwari with Mr Rishab Kaushik,
Advocates.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.02.2016**

CM No.5083/2016 (exemption)

CM No.5084/2016 (exemption)

CM No.7106/2016 (exemption)

Exemptions are allowed subject to all just exceptions.

CM No.5085/2016 (for condonation of delay)

The delay in re-filing of the appeal is condoned.

The application stands disposed of.

FAO(OS) 42/2016 & CM Nos.5080/2016 (for condonation of delay), 5081/2016 (stay), 5082/2016 (for filing additional documents), 7105/2016 (for filing additional documents)

We have heard the counsel for the parties.

After several hearings in this matter, it is now agreed that the Arbitral Tribunal, which is in place, which comprises of Justice A.S. Anand, Justice S.K. Mahajan and Mr B.A. Khan, shall continue with the arbitral proceedings. The learned counsel for the respondents states that the application filed under Section 11 of the Arbitration & Conciliation Act, 1996 before the Supreme Court shall be

withdrawn.

The order dated 26.02.2015 passed by the learned Single Judge already gives liberty to the parties to seek modification/variation of the interim order passed on that date. But, the difficulty that was being pointed out by the appellants was that since the Arbitral Tribunal was not in place and the respondents had raised one objection or another, it did not get an opportunity to move the Arbitral Tribunal for seeking modification/variation of the order dated 26.02.2015. Now the Arbitral Tribunal is in place and parties are agreed that the Arbitral Tribunal shall proceed with the arbitral proceedings before it, this appeal is disposed of by reiterating the liberty granted to the parties to seek vacation/modification/variation of the order dated 26.02.2015.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 25, 2016
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