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

+ LPA 118/2016

AIRPORT AUTHORITY OF INDIA

..... Appellant

Through: Mr. Ajit Kumar Sinha, Sr. Adv. with
Mr. Ashwarya Sinha, Adv.

Versus

DELHI INTERNATIONAL AIRPORT PRIVATE LTD & ANR

..... Respondents

Through: Mr. Atul Sharma with Mr. Milanka
Chaudhury, Mr. Abhinav Agnihotri, Mr. Abhishek
Sharma & Mr. Chaitanya Puri, Advs. for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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23.02.2016

CM Nos.6471/2016 & 6472/2016 (both for exemption)

Allowed, subject to all just exceptions.

CM No.6474/2016 (condonation of delay)

For the reasons stated in the application, delay in filing the appeal is condoned.

The application stands disposed of.

LPA No.118/2016 & CM Nos.6473/2016 (stay) & 6475/2016 (addl. docs.)

1. The respondent No.1 in W.P.(C) No.6633/2015 preferred this appeal aggrieved by the order of the learned Single Judge dated 21.12.2015 disposing of the writ petition relegating the writ petitioner/respondent No.1 herein to the remedy under the Arbitration and Conciliation Act, 1996 and by directing that the demand raised by the appellant herein on the respondent No.2/Bank vide letters dated 06.07.2015 and 11.12.2015 shall

not be given effect by the respondent No.2/Bank till 15.01.2016.

2. It is vehemently contended by the learned Senior Counsel appearing for the appellant that the dispute at hand cannot be resolved through Arbitration and therefore the learned Single Judge has erred in relegating the writ petitioner to the remedy under the Arbitration and Conciliation Act, 1996.

3. As could be seen, the order under appeal came to be passed after hearing the learned counsel for the respondent No.1 therein i.e. appellant herein. However, apparently the objection that the dispute is not arbitrable was not raised before the learned Single Judge. Be that as it may, it appears that the writ petitioner/respondent No.1 has already initiated steps for resolution of the dispute by way of Arbitration. Further, O.M.P. No.14/2016 has also been filed by the writ petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 in which while granting interim protection by order dated 14.01.2016 notice has been ordered to the appellant herein.

4. In these circumstances, we do not find any justifiable reason to interfere with the order under appeal in exercise of the jurisdiction under Clause 10 of Letters Patent. Accordingly, the appeal is dismissed. However, the appellant is at liberty to question the maintainability of the arbitration proceedings by working out the appropriate remedy as available under law.

CHIEF JUSTICE

JAYANT NATH, J

FEBRUARY 23, 2016/kks