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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 108/2016

BANGALORE ELEVATED TOLLWAY LIMITED Petitioner

Through: Ms. Priya Kumar with Mr. Adhish
Srivastava and Ms. Tanya Tiwari, Advocates.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA..... Respondent

Through: Ms. Gunjan Sinha Jain with Ms. Bhavna
Duhoon, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

07.10.2016

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1. This petition has been filed on 31st March 2016 after the amendment to Section 9 of the Arbitration and Conciliation Act, 1996 ('Act') came into force with effect from 23rd October 2015. In terms of the amended Section 9 (2) of the Act, where the Court passes an order for interim measures of protection, then the arbitral proceedings shall be commenced within a period of 90 days from the date of such order or within such further time as the Court may determine.

2. Learned counsel for the Petitioner states that the Petitioner will abide by any direction that the Court may issue in this behalf.

3. The Court accordingly directs that unless the Petitioner has already made a request to the Respondent National Highways Authority of India ('NHAI')

that the disputes be referred to arbitration, it shall make such a request to NHAI within a period of ten days from today as per the dispute resolution clause in the contract between the parties. Subject to such request being made as directed, the interim order passed by this Court on 7th April 2016 is directed to continue till such time the Arbitral Tribunal that may be constituted pursuant to such request, varies, vacates or modifies the order in accordance with law.

4. The petition is disposed of in the above terms.

5. A copy of this order be given *dasti* under the signature of Court Master.

S. MURALIDHAR, J

OCTOBER 07, 2016

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