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

+ **ARB.A. 12/2011**

ALUPRO BUILDING SYSTEMS PVT LTD Appellant
Through: Mr. Lakshay Sawhney, Advocate.

versus

SHENYANG YUANDA ALUMINIUM
INDUSTRY ENGINEERING CO LTD & ANR Respondents
Through: Mr. Santosh Paul & Mr. Arvind Gupta,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

% **ORDER**
18.11.2016

IA No.13974/2016

1. This is an application filed by the Respondents for disposing of the appeal and cross appeal in view of the final Award passed on 30th September, 2016 by the Arbitral Tribunal ('AT').

2. Learned counsel for the Petitioner points out that there is a statement by the counsel for the Respondents orally that although they had invoked the bank guarantees ('BGs'), they will not encash them till the adjudication of the appeal.

3. Learned counsel for the Appellant states that they are in the process of preparing and filing a petition under Section 34 of the Arbitration & Conciliation Act, 1996 ('the Act') to challenge the Award.

4. In that view of the matter, the statement made by the counsel for the Respondents about not encashing the BGs will continue for a period of four weeks by which time the Appellant should file the petition under Section 34 of the Act along with an application for stay.

5. It is clarified that the above statement on behalf of the Respondents will come to an end on the expiry of four weeks from today.

6. The application is allowed.

Arb. A. No.12/2011; IA Nos.13197/2011; 6299/2012 & 7859/2012

7. In view of the above order, the appeal and the applications are disposed of.

NOVEMBER 18, 2016
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S. MURALIDHAR, J.