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

+ **FAO 332/2016**

**NATIONAL SEEDS CORPORATION LTD.** ..... Appellant  
Through: **Mr. Yashwardhan, Advocate**

versus

**M/S ANKUR OVERSEAS** ..... Respondent  
Through: **Nemo.**

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**25.07.2016**

**C.M.No. 26057/2016 (u/S 151 CPC)**

Allowed subject to all just exceptions.

**FAO 332/2016 & C.M.No. 26056/2016 (for stay)**

Appellant's objection under Section 34 of *The Arbitration and Conciliation Act, 1996* stands dismissed vide impugned order of 28<sup>th</sup> March, 2016.

Learned counsel for appellant submits that the objection of Award being rendered after inordinate delay of more than seven years and other contentions raised by appellant have not been dealt with by the Arbitrator in the impugned Award. It is pointed out by learned counsel for appellant that the impugned order of 28<sup>th</sup> March, 2016 does not deal with the contention that the pleas raised before the Arbitrator have not been dealt

with in the Award and in view of this patent illegality, impugned order of 28<sup>th</sup> March, 2016 deserves to be set aside.

Upon hearing and on perusal of the impugned order and the material on record, I find that if the arguments raised by a party have not been dealt with by the concerned court, then the first option which is available to a party is to seek a review by counsel by specifically asserting so and filing his own affidavit in support of the review application.

In the aforesaid view of this matter, this appeal and application are disposed of while not commenting on the merits of the case, with liberty to the appellant to file a review application before the trial court along with affidavit of counsel who so asserts that the arguments raised by him have not been noticed nor dealt with in the impugned order. It is made clear that the trial court shall decide the review application expeditiously on merits and not on the ground of limitation.

With aforesaid observations, the appeal and the application are disposed of with liberty to assail order in review as well as order impugned herein, if need be.

**(SUNIL GAUR)**  
**JUDGE**

**JULY 25, 2016**

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