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

\+ FAO 400/2016 & C.M. 30265/2016 & C.M. 30266/2016 & C.M. 30267/2016

JASPAL SINGH ..... Appellant
Through: Mr. Avinash Kumar, Advocate

versus

M/S MASTER CAPITAL SERVICES LTD & ORS. ..... Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

<u>O R D E R</u>
% **22.08.2016**

1. There is delay of 46 days in filing the accompanying appeal.

2. Learned counsel for appellant submits that the record of the *'Buy Side Trade Log and Sell Side Trade Log'* for transactions in question has been obtained by the Arbitrator from the Stock Exchange behind the back of the parties and without giving the opportunity to appellant to make its stand clear in respect of above record, the Award has been passed and this aspect was raised before the trial court but has not been dealt with. It is also submitted by learned counsel for appellant that the grounds taken in this appeal were specifically urged before the trial court but has not been dealt with.

3. If it is so, then the appropriate course for appellant is to seek review of the order impugned herein. In the facts and circumstances of

this case, appellant is granted two weeks' time to file an application for review along with the delay application and it is expected that the trial court shall not dismiss the review application merely on the ground of delay and will deal with the submissions made in the review application.

4. This appeal and the applications are disposed of with liberty as aforesaid with direction that for a period of two weeks, no coercive steps be taken against the appellant. Needless to say that in the eventuality of review application being dismissed, appellant shall be well within his rights to assail the order in review as well as order impugned herein.

5. *Dasti.*

(SUNIL GAUR)
JUDGE

AUGUST 22, 2016
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