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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 533/2016

HANJER BIOTECH ENERGIES PVT LTD

..... Petitioner

Through: Mr. Dhruv Mehta, Sr. Advocate
With Mr. Arun Vohra, Mr. Ashutosh
Dubey & Mr. Sagar Mitra, Advocates

versus

ULTIMATE FLEXIPACK LTD & ORS.

..... Respondents

Through: Mr. Pinaki Misra, Sr. Advocate with
Mr. Arun K Sinha and Mr. Rajeev
Advocates

CORAM: JUSTICE S.MURALIDHAR

ORDER

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09.12.2016

1. This is the second round of litigation at the instance of the Petitioner. In an earlier round while seeking a similar relief, this Court passed an order dated 18th December, 2012 in OMP NO. 1077/2012 regarding the consent terms arrived at between the parties in a joint application filed by the Petitioners under Order 23 Rule 3 CPC, read with Section 9 of the Act. Thereafter, an application was filed by the Petitioner seeking recall of the said order. That application, being IA No. 20014/2013 was heard at length and a detailed order passed dismissing it.

2. Aggrieved by the above orders, Petitioners approached the Supreme

Court. On 24th October, 2016, the Supreme Court dismissed it in Civil Appeal No. 9493-9494/2014, thus affirming the above orders.

3. When asked whether any cause of action for filing a fresh petition has arisen, Mr. Dhruv Mehta, learned senior counsel for the Petitioner states that there has been some difficulty in working out the terms of settlement. He, however, informs that for the alleged failure of the Petitioner to discharge its obligations under the consent terms, the Respondent has initiated contempt proceedings. Mr. Mehta states that it is, in fact the Respondents who have failed to comply with their obligations under the consent terms. That will be for the appropriate Court, seized of the contempt petition to decide.

4. The Court sees that there is no scope for any fresh cause of action for another round of litigation between the parties particularly after the dismissal of the Petitioner's appeals by the Supreme Court on 24th October, 2016.

5. The petition is, accordingly, dismissed.

S.MURALIDHAR, J

DECEMBER 09, 2016
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