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

+ O.M.P. 447/2015

SUNEHARI BAGH BUILDERS PVT. LTD. Petitioner
Through Mr.Nikhilesh krishanan, Adv. with
Mr.Jai Pratap, Adv.

versus

UNION OF INDIA Respondent
Through Mr.Kirtiman Singh, CGSC with
Ms.Pruna Shah Deo, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% 12.01.2016

The award in the abovesaid matter was passed on 25th February, 2015. The contention of the petitioner is that the arbitrator has wrongly observed in para 11.1 of the award that during the course of the hearing held on 16th July, 2014 the petitioner decided to drop the claim (b) to (d) whereby only claim No.6 amounting to Rs.2,70,000/- and claim No.11(a) was dropped. Petitioner thereafter filed an application under Section 33 of the Arbitration and Conciliation Act, 1996 for issuance of necessary correction in the impugned award. The petitioner in the said application stated that with regard to the claim No.11(b) to (d) there was no dropping of the said claims on 16th July, 2014 and dropping of claim in respect of claim No.6 of Rs.2,70,000/- and claim No.11(a) shall be brought to the arbitrator to carry out the necessary correction in the award or additional award in respect of claim No.11(b) to (d). The said portion of the award was challenged by the petitioner under Section 34 of the Act.

Notice was issued. Learned counsel appearing on behalf of

respondent submits that the respondent has no objection if the said portion of the award with regard to the claim No.11(b) to (d) be remanded back to the arbitrator who may consider the same in view of the application filed by the petitioner under Section 33 of the Act. Ordered accordingly. Arbitrator now to decide the application of the petitioner under Section 33 of the Act for correction of the award or pass the additional award with respect to the claim No.11(b) to (d) as per record available.

Petition is disposed of accordingly.

With the consent of the parties, the parties are directed to appear before the arbitrator on 3rd February, 2016. As per record, arbitrator record is awaited. However, learned counsel for the petitioner states that he has verified the position from the arbitrator who states that the record has been sent to this Court. Counsel to check the same from the Registry and in case the record is available, the same be sent forthwith to the arbitrator.

MANMOHAN SINGH, J.

JANUARY 12, 2016/vp