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

+ **FAO(OS) 505/2015**

M/S HS OBEROI AND COMPANY Appellant
Represented by: **Mr.Pawan Kumar Mittal,**
Advocate.

versus

M/S I U P JINDAL METALS & ALLOYS LTD Respondent
Represented by: **Mr.Raman Kapur, Sr.Advocate**
instructed by Mr.P.K.Mittal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.02.2016

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1. Impugned order has disposed of I.A.No.3288/2010 under Section 8 of the Arbitration and Conciliation Act, 1996.
2. The consistent view taken by this Court and the latest being the decision dated January 13, 2016 in FAO (OS) No.417/2015 M/s Today Hotels (New Delhi) Pvt. Ltd. vs. M/s Intecture India Designs Pvt.Ltd. is that no appeal would lie against an order allowing an application under Section 8 of the Arbitration and Conciliation Act, 1996 for the reason Section 37 of the said Act is exhaustive and an appeal would only lie against such order as are expressly made appealable. Only an order refusing to refer the parties to arbitration under Section 8 is appealable and an order referring the parties to an Arbitrator is not appealable. Impugned order has referred the parties to **FAO(OS) 505/2015**

arbitration.

3. We are informed that the Arbitrator who was appointed has since pronounced the award, objections where to have been filed by the appellant.

4. Appeal is dismissed.

5. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 02, 2016

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