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

+ O.M.P.(I) 615/2015

ORISSA CONCRETE AND ALLIED INDUSTRIES LTD.

..... Petitioner

Through Mr.Raman Kapur, Sr. Adv. with
Mr.Dhiraj Sachdeva, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr.R.V.Sinha, Adv. with Mr.A.S.
Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **25.07.2016**

The Arbitral Tribunal has been constituted. Learned counsel for the petitioner has handed over the copy of the Procedure Order No.1 passed by the Arbitrator whereby the next date of hearing is fixed for 25th October, 2016. As per Section 9(3) of the Arbitration and Conciliation Act, 1996 which mandates that once the Arbitral Tribunal has been constituted, the Court shall not entertain an application under sub-Section (1), unless the Court finds that circumstances exist which may not render the remedy provided under Section 17 efficacious. The said circumstances are not available in the present case, as the Arbitrator is available and he is in a position to decide the application under Section 17 of the Act. As agreed, pleadings in the above said matter shall be treated by the sole Arbitrator as

Section 17 who will decide the same as per its own merits. The statement made by Mr.Jagjit Singh, learned counsel earlier appearing on behalf of the respondents on 6th November, 2015 will continue, till the next date.

MANMOHAN SINGH, J.

JULY 25, 2016/ka