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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB. A. (COMM.) 5/2015

LAKESHWARI BUILDERS PVT LTD.

..... Petitioner

Through: Mr. Abhay Anand Jena, Advocate.

versus

M/S TELECOMMUNICATION CONSULTANTS INDIA LTD.

..... Respondent

Through: Mr. Chandan Kumar, Mr. Tushar
Chauhan, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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26.10.2016

IA No. 10908 of 2016

1. For the reasons stated therein, the delay in filing the application (IA No. 10907 of 2016) is condoned.

2. The application is allowed.

IA No. 10907 of 2016

3. For the reasons stated therein, the order dated 18th May, 2016, dismissing the present appeal is recalled. The appeal is restored to file.

4. The application is allowed.

ARB. A. (COMM.) 5 of 2015

5. This appeal under Section 37 (2) (b) of the Arbitration and Conciliation

Act, 1996 ('Act') is directed against the interim order dated 30th September, 2015 passed by the learned Arbitrator in an application filed by the Respondent under Section 17 of the Act.

6. Having perused the impugned interim order, the Court is not able to discern anything therein which can be said to be prejudicial to the Appellant. All that the Arbitrator has required the Appellant to do is to submit the "measurement sheets duly signed by the contractor and employer's site representative along with abstract of measurement sheets and work done till previous bill, the running cumulative quantities and the amount certified by the employer's side representative and accepted by the employer".

7. If according to the Appellant these documents are already on record, then the Arbitrator has to be simply informed that fact. If some of these documents are not available with the Appellant, that fact has to be brought to the notice of the Arbitrator. What the consequences would be in such event is for the Arbitrator to decide.

8. The Court finds no reason to interfere with the impugned interim order

9. The appeal is, accordingly, dismissed.

S.MURALIDHAR, J

OCTOBER 26, 2016/mg