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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ OMP (ENF.) (COMM.) 4/2017 & IA Nos.1139/2017 & 297/2017
VOITH HYDRO LTDA & ORS. Petitioners

Through: Mr Rajiv Nayar, Senior Advocate
with Mr Omar Ahmad and Mr
Vikram Shah, Advocates.

versus

NTPC LIMITED Respondent
Through: Mr Ashish Kumar and Ms Yoothica
Pallavi, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **06.02.2017**

This is a petition for enforcement of the arbitral award dated 23.08.2016. The respondent has already preferred a petition under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the aforesaid award. In view of the decision of the Division Bench of this Court in **FAO(OS) No.221/2016 (ARDEE Infrastructure Pvt. Ltd v. Ms. Anuradha Bhatia)**, the present petition would not be maintainable at this stage.

Accordingly, the present petition is disposed of with liberty to the petitioner to apply afresh subject to the outcome of the respondent's petition (OMP (Comm) 16/2017) under Section 34 of the Act.

Mr Nayar, learned senior counsel for the petitioner further states that although the award is in favour of the petitioner the respondents are threatening to invoke the bank. In response to this, the learned counsel for

the respondent states that they shall maintain status quo till the decision of the petition under Section 34 of the Act subject to the petitioner keeping the bank guarantee alive.

VIBHU BAKHRU, J

FEBRUARY 06, 2017
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