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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. 2/2016

A2VP DISTRIBUTORS PVT LTD & ANR. Petitioners
Through: Mr. Anant Garg, Advocate.

versus

KONKA GROUP COMPANY LTD. Respondent
Through: Mr. Arvind Nayar, Mr. Sushant Kumar
and Mr. Surjeet Singh Malhotra, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

06.02.2017

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1. This petition was filed under Section 9 of the Arbitration and Conciliation Act, 1996 ('Act') at a stage when the Award dated 29th May, 2016 was still under challenge by the Respondent. That challenge failed with the dismissal by the Court of both OMP No. 489/2010 filed by the Petitioners as well as OMP No. 575/2010 filed by the Respondent, under Section 34 of the Act.

2. Pursuant to the order passed by the Court in this petition on 22nd December 2016, the Respondent has placed on record an affidavit enclosing its balance sheet for the last three years.

3. Learned counsel for the Petitioner points out that from the details it appears that there are no assets of the Respondent in India. However, he states that the Petitioner will undertake further detailed investigation to ascertain which assets of the Respondent are available in India to be

proceeded against by way of enforcement of the Award in question.

4. In the considered view of the Court, the petition having been filed at a stage when the challenge to the Award was still pending, with the rejection of the said challenge, the petition has run its course. The appropriate course for the Petitioner is to seek enforcement of the Award, subject to the orders that may be passed by the Division Bench, in accordance with law. The information disclosed by the Respondent by way of the above affidavit can be relied upon for that purpose by the Petitioner.

5. The petition is disposed of in the above terms.

S. MURALIDHAR, J

FEBRUARY 06, 2017

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