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

+ **OMP (ENF.) (COMM.) 33/2017**

**MAGNUM BUILDERS & DEVELOPERS AND
CHAWLA CONSTRUCTIONS (JV)**

..... Petitioner

Through: Mr A. K. Bajpai, Mr Praveen Gupta
and Mr Rajeev Lochan, Advocates.

versus

**MANAGING DIRECTOR IRCON
INTERNATIONAL LTD**

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.03.2017**

IA No.2984/2017

Allowed, subject to all just exceptions.

OMP (ENF.) (COMM.) 33/2017 & IA Nos.2983/2017 & 2985/2017

This is a petition for enforcement of the Arbitral Award dated 15.01.2015. The learned counsel for the petitioner states that the respondent has preferred a petition (being OMP 261/2015) under Section 34 of the Arbitration and Conciliation Act, 1996 (hereafter the 'Act') which is pending consideration. In view of the fact that the respondent has already moved this Court under Section 34 of the Act and in view of the decision of the Division Bench in **FAO(OS) No.221/2016 (ARDEE Infrastructure Pvt. Ltd v. Ms. Anuradha Bhatia)** the present petition is not maintainable at this stage.

Accordingly, the petition is dismissed with liberty to the petitioner to apply afresh subject to outcome of the respondent's petition under section 34 of the Act– OMP(COMM) 261/2015.

VIBHU BAKHRU, J

MARCH 08, 2017
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