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

+ **FAO(OS) 405/2010**

NICOLIAN SECURITIES & FINANCE PVT LTD Appellant

Through: Mr Raman Kapur, Sr. Adv with
Mr Hemant Gupta, Adv.

versus

APOGEE INTERNATIONAL LTD & ORS Respondents

Through: Mr J.P. Sengh, Mr Nikilesh R., Mr
Navdeep Jain, Ms Manisha Mehta and Ms Mrigna
Shekhar, Advs.

+ **FAO(OS) 406/2010**

NICOLIAN INDIA Appellant

Through: Mr Raman Kapur, Sr. Adv with
Mr Hemant Gupta, Adv.

versus

APOGEE INTERNATIONAL LTD & ORS Respondents

Through: Mr J.P. Sengh, Mr Nikilesh R., Mr Navdeep
Jain, Ms Manisha Mehta and Ms Mrigna Shekhar,
Advs.

+ **FAO(OS) 407/2010**

NICOLIANS INC FORMERLY KNOWN AS NICOLIAN BROS
..... Appellant

Through: Mr Raman Kapur, Sr. Adv with
Mr Hemant Gupta, Adv.

versus

APOGEE INTERNATIONAL LTD & ORS Respondents

Through: Mr J.P. Sengh, Mr Nikilesh R., Mr Navdeep
Jain, Ms Manisha Mehta and Ms Mrigna Shekhar,
Advs.

+ FAO(OS) 408/2010

CS PROPERTIES PVT LTD

..... Appellant

Through: Mr Raman Kapur, Sr. Adv with
Mr Hemant Gupta, Adv.

versus

APOGEE INTERNATIONAL LTD & ORS

..... Respondents

Through: Mr J.P. Sengh, Mr Nikilesh R., Mr Navdeep
Jain, Ms Manisha Mehta and Ms Mrigna Shekhar,
Advs.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **02.11.2017**

The present batch of appeals assail the order of the learned Single Judge dated 15.01.2010 in OMP No.513/2006, whereby, Awards dated 10.06.2006 were set aside for the reason that the same were found to be violative of the principles of natural justice and founded on incorrect proposition of law.

A Division Bench of this Court by way of its judgment and order dated 13.07.2011 passed in the accompanying appeals had set aside the impugned judgment and remitted the matter back to the learned Single Judge for fresh consideration of all the objections raised on behalf of the respondents, which had not at that stage been considered by the learned Single Judge.

The respondent (Apogee International Ltd) amongst others unsuccessfully carried the said order dated 13.07.2011 in appeal before the Hon'ble Supreme Court of India, as is evident from a reading of its order dated 12.12.2011.

However, the Hon'ble Supreme Court of India by way of the said order dated 12.12.2011, permitted the respondent (Apogee International Ltd) to file a petition before this Court seeking review of the order impugned before it, i.e., the said order dated 13.07.2011, in accordance with law.

Subsequent thereto, this Court by way of order dated 11.08.2017, allowed the Review Petitions Nos.151/2012, 143/2012, 142/2012 and 150/2012 and the accompanying appeals were directed to be listed for hearing on merits.

After hearing learned counsel for the parties and with their consent, the impugned order dated 15.01.2010 is set aside. The objections filed on behalf of the respondents are remanded back to the learned Single Judge for *de novo* consideration and disposal, in accordance with law.

Needless to state that this Bench has not expressed any opinion on the merits of the case and nothing expressed by this Court during the pendency of the present appeals may be taken into consideration by the learned Single Judge while disposing off the objections filed on behalf of the respondents under Section 34 of Arbitration and Conciliation Act, 1996.

In view of the above order, which has been passed with the consent of the parties, the appeals are disposed off.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

NOVEMBER 02, 2017

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