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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO(OS) (COMM) 49/2017 and CM APPL. 20807/2017 & C.M. No.**  
**7359/2017**  
**NEXT GENERATION CABLE COMMUNICATION & ANR**

..... Appellants

Through: Mr. Kirti Uppal, Senior Advocate with  
Mr. Rahul Kumar, Advocate

versus

**SANJHI EXIM PVT LTD** ..... Respondent  
Through: Mr. Hemant Uppal, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**  
**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**  
% **01.09.2017**

1. The appellants are aggrieved by the order dated 17.01.2017, passed by the learned Single Judge, dismissing their application for condonation of delay of 47 days in re-filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996.
2. On the last date of hearing, learned counsel for the appellants had stated that aggrieved by an order dated 27.04.2017, passed in the present proceedings whereunder, to demonstrate their bonafides, the appellants were directed to deposit the principal amount, subject matter of the Award dated 21.03.2015, to the tune of Rs.1,40,26,506/-, in four instalments, commencing at the end of four weeks reckoned from 27.04.2017, and ending on 31.8.2017. Aggrieved by the said order, the appellants had filed an appeal before the Supreme Court, which we are informed today, was

dismissed in *limine* in the first week of July, 2017.

3. The Mediation Centre has also submitted a report that the mediation proceedings had ended in a non-settlement. Counsel for the respondent states that though the parties were directed to appear before the Delhi High Court Mediation and Conciliation Centre, in terms of the order dated 27.04.2017, none of the officers of the appellants had turned up before the learned Mediator and instead, only their counsel chose to appear and that too, without obtaining any instructions.

4. Mr. Kirti Uppal, learned Senior Advocate appearing for the appellants states on instructions that the appellants do not wish to press the present appeal on merits. Instead, they reserve their right to seek their remedies in the pending execution petition filed by the respondent, which is listed before the learned Single Judge on 18.09.2017.

5. It is made clear that if the appellants do not appear before the learned Single Judge on 18.9.2017, then the Court shall proceed further with the matter, as may be deemed appropriate, without awaiting their presence.

6. The appeal is disposed of alongwith the pending application.

**HIMA KOHLI, J**

**DEEPA SHARMA, J**

**SEPTEMBER 01, 2017**

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