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

+ **OMP (ENF.) (COMM.) 67/2016**

NATIONAL PROJECT CONSTRUCTION
CORPORATION LIMITED

..... Petitioner

Through: Mr Anup J. Bhambhani, Senior
Advocate with Mr Rajat Arora and
Mr Jaypreet Singh, Advocates.

versus

MILITARY ENGINEER SERVICES

..... Respondent

Through: Mr Jaswinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2017

This is a petition under section 36 of the Arbitration and Conciliation Act, 1996 for enforcement of the arbitral award dated 16.07.2012 rendered by the Sole Arbitrator under the Permanent Machinery of Arbitration (PMA). The learned counsel for the petitioner fairly drew the attention of this Court to **Northern Coalfields Limited v. Heavy Engineering Corporation Limited and Another: (2016) 8 SCC 685** wherein it has been authoritatively held that the Arbitration and Conciliation Act, 1996 is inapplicable to arbitration under the PMA. In view of the aforesaid decision, the award rendered by the Arbitrator under the PMA cannot be enforced as a decree of this Court and, accordingly, the present petition is disposed of leaving the parties to take appropriate remedies for redressal of their disputes.

At this stage, Mr Anup J. Bhambhani, learned senior counsel further

states on instructions that the petitioner would be willing to enter into arbitration for resolution of the disputes. The learned counsel appearing for the respondent states that he has no instructions in this regard and, therefore, is not in a position to respond to the said suggestion.

The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 28, 2017
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