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

+ O.M.P.(I) (COMM.) 145/2017 & I.A. No.5035/2017

JASDAN ENERGY PVT. LTD

..... Petitioner

Through Mr. Arun Kathpalia, Advocate with
Ms. Shyel Trehan, Mr. Harikrishna Pramod
and Mr. Samaksh Goyal, Advocates.

versus

INOX WIND INFRASTRUCTURE SERVICES
LTD

..... Respondent

Through Mr. Sandeep Sethi, Sr. Advocate with
Mr. Sahil Chopra and P. Srivastva,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.05.2017

1. Learned counsel for the parties state that the parties have nominated the arbitrators. However, the arbitral tribunal has not been constituted as yet as the said arbitrators nominated by the parties are yet to concur on the appointment of a third arbitrator. However, they expect that the same would be done shortly.

2. In the circumstances, without prejudice to the rights and contentions, it is directed that the order dated 30.03.2017 shall continue to be operative and binding for a further period of two months. This is to enable the arbitral tribunal to consider the present petition as an application under Section 17 of

the Arbitration and Conciliation Act, 1996.

3. This order is subject to the petitioner paying a sum of ₹1 Crore to the respondent within a period of two weeks.

4. It is clarified that this Court has not expressed any opinion either on the maintainability or the merits of the rival contentions. The same shall be considered by the arbitral tribunal uninfluenced by any observations made by this Court in these proceedings. It is expected that the arbitral tribunal shall take up the present petition, albeit, as an application under section 17 of the Act on an urgent basis and dispose of the same as early as possible; preferably within a period of three months from the date of constitution of the arbitral tribunal. It is further clarified that it will be open to the arbitral tribunal to modify, vacate or extend the *ad-interim* order passed by this Court on 30.03.2017.

5. The parties shall file a copy of the record of the present petition before the arbitral tribunal after it is constituted.

6. The petition is disposed of.

VIBHU BAKHRU, J

MAY 17, 2017
dr