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

% Judgment delivered on: 10.07.2017

+ OMP (ENF.) (COMM.) 122/2016

JK INTERNATIONAL PTY LTD. AUSTRALIA. Petitioner

versus

THE STATE TRADING CORPORATION OF INDIA LTD

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Ram K. Watel, Adv.

For the Respondent : Mr. Sanjay Bansal and Mr. R.R. Dubey, Advs.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.07.2017

SANJEEV SACHDEVA, J. (ORAL)

1. This petition seeks enforcement of the decree i.e. Arbitral Award dated 03.09.2013.

2. It is an admitted position that the proceedings were conducted under the un-amended Arbitration & Conciliation Act, 1996 (i.e. prior to amendment by the Arbitration and Conciliation (Amendment) Act, 2015).

3. Petition under Section 34 of the Act impugning the arbitral award dated 03.09.2013, execution of which has been sought in these proceedings, is pending.

4. Since the Judgment Debtor has impugned the arbitral award by filing a petition under Section 34 of the Act and notice has been issued, this petition is pre-mature. Accordingly, the same is disposed of being pre-mature.

5. Needless to state that the Decree Holder shall have the liberty to file a fresh petition seeking enforcement of the award subject to the outcome of petition under Section 34 of the act.

SANJEEV SACHDEVA, J

JULY 10, 2017

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