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

+ **O.M.P.(I) (COMM.) 178/2017**

TECH MAHINDRA LIMITED

..... Petitioner

Through Mr. Abhijeet Sinha, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through Mr. Abhinav Vashisht, Sr. Advocate
with Mr. Nikhil Goel, Advocate for
SDMC
Mr. Ajjay Arora and
Mr. Kapil Dutta, Advocates for
NDMC

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.05.2017**

IA Nos. 5334/2017 and 5335/2017

1. Exemptions are allowed subject to all just exceptions.
2. The applications are disposed of.

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3. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that the respondents be directed to deposit a sum of ₹123 crores or in the alternative to furnish bank guarantee for the awarded amount.

4. The learned counsel appearing for the petitioner states that the

respondents are also not making payment towards invoices raised for work being performed (which is to the tune of ₹3.43 crores per quarter). He states that invoice for the quarter January to March 2017 is still outstanding and petitioner is obliged to perform work till December, 2017.

5. The learned senior counsel appearing for respondents states that the respondents have preferred an application under section 34 of the Act impugning the arbitral award, which is likely to be listed shortly.

6. In view of the aforesaid, this Court is not inclined to entertain the present application at this stage. However, the respondents are directed to pay the amount invoiced for the quarter commencing January to March 2017 and also continue making payments for services to be rendered till December, 2017. Needless to mention that this order is without prejudice to rights and contentions of the respondents.

7. The petitioner is a solvent company and this Court is of the view that no security is required to be furnished by the respondents for the release of amount of the quarterly invoices including for the period from January, 2017 to March 2017.

8. With these observations, the present petition is disposed of.

VIBHU BAKHRU, J

MAY 02, 2017

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