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

+ O.M.P.(I) (COMM.) 478/2016

M/S VOESTALPINE SCHIENEN GMBH Petitioner

Through: Mr Gopal Jain, Senior Advocate with
Mr Jeevan B. Panda, Mr Aseem
Chaturvedi and Ms Prashanti
Pasupuleti, Advocates.

versus

DELHI METRO RAIL CORPORATION
LTD. & ANR.

..... Respondents

Through: Mr R.V. Sinha and Mr Puneet Garg,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.04.2017**

The learned counsel appearing for the parties state that the petitioner has already invoked the arbitration clause by a letter dated 07.04.2017 which was received by the respondent on 10.04.2017.

The learned counsel for the respondent states that steps are being taken to constitute the arbitral tribunal.

Both the learned counsel for the parties further submit that the present petition be disposed of by extending the order passed on 15.12.2016 till such time as the arbitral tribunal is constituted with liberty to the petitioner to approach the arbitral tribunal.

In view of the above, it is directed that, subject to the bank guarantee in question being kept alive, the order passed on 15.12.2016 will continue till six weeks after the arbitral tribunal is constituted. This would enable the

petitioner to file an application under Section 17 of the Arbitration and Conciliation Act, 1996 which shall be considered by the arbitral tribunal uninfluenced by any observations made in any of the orders passed by this Court in these proceedings.

All the contentions of the parties are kept open.

The petition is disposed of.

VIBHU BAKHRU, J

APRIL 25, 2017

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