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

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Judgment delivered on: 05.07.2017

+ EX.P.369 /2015

S.E.INVESTMENTS LTD.

..... Decree Holder

versus

BARTRONICS INDIA LIMITED & ANR. Judgment Debtor

Advocates who appeared in this case:

For the Decree Holder : Mr Nagesh Puthige

For the Judgment Debtors : Mr Sudipto Sircar and Mr A.D.N.Rao

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel for the parties inform that the Arbitration & Conciliation Act, 1996, as it stood prior to the amendment by the Arbitration & Conciliation (Amendment) Act, 2015, is applicable to the present proceedings.

2. Learned counsel for the parties further inform that Section 34 application under the Arbitration & Conciliation Act, 1996 impugning the award/decreed dated 12.07.2014 passed by the Sole Arbitrator is pending.

3. In view of the un-amended Section 34, a challenge under Section 34 of the Act amounts to a stay of the enforcement of the award.

4. In view of the above, learned counsel for the decree holder seeks leave to withdraw the present petition with liberty to file a fresh petition in case the Section 34 application impugning the award dated 12.07.2014 is decided in favour of the decree holder.

5. The Execution Petition is accordingly dismissed as withdrawn with liberty to the decree holder, as prayed for.

SANJEEV SACHDEVA, J

JULY 05, 2017

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