

\$~26 to 29

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

%

Date of decision : 13th December, 2017

+ FAO(OS) 312/2017, CAV No.1067/2017 & CM Nos.45193-94/2017

REGEN POWERTECH PRIVATE LIMITED..... Appellant

Through : Mr. Anush Raajan, Adv.

versus

SEMBCORP GREEN INFRA LIMITED

& ORS.

..... Respondents

Through : Mr. Sandeep Sethi, Sr. Adv.
with Mr. Shankh Sengupta, Ms.
Tine Abraham and Ms. Vatsala
Kumar, Advs.

+ FAO(OS) 313/2017, CAV No.1066/2017 & CM Nos.45195-96/2017

REGEN POWERTECH PRIVATE LIMITED..... Appellant

Through : Mr. Anush Raajan, Adv.

versus

SEMBCORP GREEN INFRA LIMITED

&ORS

..... Respondents

Through : Mr. Sandeep Sethi, Sr. Adv.
with Mr. Shankh Sengupta, Ms.
Tine Abraham and Ms. Vatsala
Kumar, Advs.

+ **FAO(OS) 314/2017, CAV No.1069/2017 & CM Nos.45245-46/2017**

REGEN POWERTECH PRIVATE LIMITED..... Appellant
Through : Mr. Anush Raajan, Adv.

versus

GREEN INFRA WIND FARM ASSETS
LIMITED & ANR.

..... Respondents

Through : Mr. Sandeep Sethi, Sr. Adv.
with Mr. Shankh Sengupta, Ms.
Tine Abraham and Ms. Vatsala
Kumar, Advs.

+ **FAO(OS) 315/2017, CAV No.1070/2017 & CM Nos.45250-51/2007**

REGEN POWERTECH PRIVATE LIMITED..... Appellant
Through : Mr. Anush Raajan, Adv.

versus

GREEN INFRA WIND ENERGY ASSETS
LIMITED & ANR

..... Respondents

Through : Mr. Sandeep Sethi, Sr. Adv.
with Mr. Shankh Sengupta, Ms.
Tine Abraham and Ms. Vatsala
Kumar, Advs.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

CAV No.1067/2017 in FAO(OS) 312/2017;
CAV No.1066/2017in FAO(OS) 313/2017;

CAV No.1069/2017 in FAO(OS) 314/2017; and
CAV No.1070/2017 in FAO(OS) 315/2017

1. Caveators are represented and have been heard.
2. The caveats are discharged.

CM Nos.45193-94/2017 in FAO(OS) 312/2017;
CM Nos.45195-96/2017 in FAO(OS) 313/2017;
CM Nos.45245-46/2017 in FAO(OS) 314/2017; and
CM Nos.45250-51/2017 in FAO(OS) 315/2017 (Exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

FAO(OS)Nos.312-315/2017

1. These appeals assail the order dated 27th November, 2017 whereby the Id. Single Judge has dismissed the OMP(I)Nos.26/2017; 27/2017; 22/2017 and 23/2017 filed by the appellant under Section 9 of the Arbitration and Conciliation Act, 1996 on the very first date itself without calling for replies from the respondents.
2. Both the parties have placed reliance on several judicial precedents in support of the rival contentions. It would appear that no finding has been recorded *prima facie* on the factual submissions made by the appellant nor was reply called for from the respondents.
3. Mr. Sandeep Sethi, Id. Senior Counsel appearing for respondents, who are caveators before us, on instructions submits that without prejudice to the rights and contentions of the respondents, the impugned order dated 27th November, 2017 may be set aside and the matter be remanded back for consideration afresh.
4. With the consent of the parties, the impugned order dated 27th

November, 2017 is hereby set aside and quashed. The matter is remanded back for consideration afresh on merits by the Id. Single Judge.

5. The parties shall appear before the Id. Single Judge on 14th December, 2017 for further directions in the matter.

6. It is made clear that nothing herein contained is an expression of opinion on the merits of the case.

The appeals are disposed of in the above terms.

Dasti under signatures of the Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 13, 2017

mk