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

+ O.M.P. 398/2012

UNIVERSITY OF DELHI

..... Petitioner

Through: Ms. Akanksha Kaur, Advocate  
with Mr. P. Singh, Advocate

versus

M/S KALRA ELECTRICALS

..... Respondent

Through: Ms. Geetika Matta, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.01.2020**

**I.A. 16186/2019 (Application under Order IX Rule 4 of the CPC) & I.A.16187/2019 (for Delay)**

1. These applications have been filed by the petitioner for restoration of the petition under Section 34 of the Arbitration and Conciliation Act, 1996 [O.M.P.398/2012], and for condonation of delay in filing the restoration application. The petition was dismissed for non-prosecution by an order dated 14.11.2018, as neither party was represented. It is mentioned in the application that the petitioner acquired knowledge of the dismissal in May, 2019, when the respondent made an application for revival of execution proceedings which had been initiated by it in 2012 [Ex.Pet.108/2012].

2. The petitioner has withdrawn the present proceedings from the counsel who failed to appear earlier and has now engaged a new counsel to appear on its behalf.

3. The main ground taken by the respondent in reply to this application is that the restoration application is belated and that the

revival of the petition would result in a stay of enforcement.

4. It is pointed out by learned counsel for the petitioner that in the execution proceedings, the petitioner [judgment debtor therein] has been directed to deposit the awarded amount alongwith interest. The execution proceedings are now listed on 18.02.2020. It is stated by learned counsel for the petitioner/judgment debtor that the award amount will be deposited before that date.

5. In view of the aforesaid, learned counsel for the respondent/decreed holder submits that the application may be allowed, subject to payment of costs to the respondent.

6. For the reason stated in the application, the delay in making the restoration application is condoned and the application for restoration is allowed, subject to payment of costs of ₹20,000/- by the petitioner to the respondent through learned counsel. O.M.P. 398/2012 is restored to its original number.

7. It is made clear that this order is passed without prejudice to the rights and contentions of the parties in the execution proceedings.

**O.M.P. 398/2012**

The written submissions be filed by learned counsel for the parties within four weeks, alongwith copies of any authorities upon which they seek to rely.

List on 01.05.2020.

**PRATEEK JALAN, J**

**JANUARY 20, 2020/ j's**