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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. 333/2014

STERLITE TECHNOLOGIES LTD

..... Petitioner

Through : Mr.A.K. Thakur, Advocate.

versus

BHARAT SANCHAR NIGAM LTD

..... Respondent

Through : Mr.Rajat Arora, Mr.V.Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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17.01.2018

IA No.7723/2017

It is submitted by the learned counsel for the petitioner that the learned arbitrator has passed an award dated 21.12.2013 which is the subject of the challenge in this petition. In the arbitral award the petitioner/claimant was directed to pay 5,67,71,161/- as liquidated damages to the respondent. The award is challenged by the petitioner by way of this petition. As per the notification of Govt. Of India vide No.27187/DHC/Org1. Dated 24-11-2015 the cases of original side upto the value of Rs.One crore has to be transferred to the jurisdictional subordinate Courts. The notification is read as under:

*“Notification No.27187/DHC/Org1.
dated 24-11-2015 In exercise of powers
conferred by Section 4 of the Delhi High
Court (Amendment) Act, 2015 (Act 23 of
20 15), which came into force with effect
from 26.10.2015 vide Notification No.*

F.No.L-19015/04/2012-Jus dated 26.10.2015 issued by the Government of India, Ministry of Law, Justice and Company Affairs, published in Gazette of India Extraordinary, Part II, Section 3 sub-section (ii), Hon'ble the Chief Justice has been pleased to order as under:-

(i) All suits. or other proceedings pending in the Delhi High Court on the Original Side up to the value of rupees one crore, excepting those cases in which final judgments have been reserved, be transferred to the jurisdictional subordinate courts.

(ii) All suits or other proceedings the value of which exceeds rupees one crore but does not exceed rupees two crores, other than those relating to commercial disputes the specified value of which is not less than rupees one crore (as defined in The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015), pending in the Delhi High Court on the Original Side, excepting those cases in which final judgments have been reserved, be transferred to the jurisdictional subordinate courts. The transfer of cases to the subordinate courts shall commence from today, i.e. 24.11.2015”

It is submitted by the learned counsel for the petitioner that the claim of the petitioner is restricted to Rs.92,60,000/- though the respondent submits that the interest at the rate of 18% per annum is also claimed by the petitioner. Admittedly such interest has not been awarded by the learned arbitrator. in view of the submissions so made

as per the said notification stated above the petition is transferred to the District Judge (Patiala House Courts) the necessary formalities be completed by the registry.

The petition stands dismissed.

Parties to appear before the learned District Judge Patiala House Courts on 05.03.2018.

YOGESH KHANNA, J

JANUARY 17, 2018

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