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

+ O.M.P. (COMM) 126/2018 & IA Nos.13215-17/2016

AIRPORT AUTHORITY OF INDIA

..... Petitioner

Through: Mr Sukumar Pattjoshi, Sr. Advocate
with Ms Sonal Kumar Singh, Ms
Swati Sehgal and Mr Rajat Dasgupta,
Advocates.

versus

VIRENDER KHANNA & ASSOCIATES

..... Respondent

Through: Mr Ramesh Singh with Mr Ranjay N.
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.09.2018

REVIEW PET. 363/2018

1. The petitioner (hereafter 'AAI') has filed the present review of the judgment dated 20.03.2018, whereby the petitioner's application under Section 34 of the Arbitration and Conciliation Act, 1996 was rejected. The sole ground on which the review of the said decision is sought is that this Court had not considered the AAI's challenge to award in respect of claim no.2.
2. This contention is unmerited, as the AAI had limited its challenge before this Court to the arbitral award only in respect of claim nos.4, 5 and 7. This was expressly stated by the counsel before this Court and is recorded in the judgement dated 20.03.2018.
3. Having stated above, it is also relevant to note the contentions

advanced by Mr Pattjoshi, learned senior counsel who appears for the petitioner. He submits that the said claim no.2 related to security deposit that was sought to be adjusted by the petitioner against dues recoverable from the respondent in respect of another contract. He submits that this was also considered by the Arbitral Tribunal.

4. A plain reading of the Statement of Claims filed before the Arbitral Tribunal indicates that the said claim (claim no.2) was with regard to the deduction against security deposit which was quantified at ₹21,36,976/-. In the Statement of Defense filed on behalf of the AAI before the Arbitral Tribunal, no such defense had been raised. On the contrary, the controversy raised was relating to the quantum of deduction as according to AAI, the deduction was only to the extent of ₹20,86,976/-.

5. Thus, it does not appear that the issue that is now sought to be raised, was specifically pleaded before the Arbitral Tribunal.

6. In any view of the matter, the present petition is unmerited as the learned counsel for the AAI had expressly restricted his challenge only to the three claims as indicated in the judgment dated 20.03.2018 and therefore, there is no ground to review the judgement or to examine the contentions that are now sought to be advanced.

7. The petition is, accordingly, dismissed. All pending applications stand disposed of.

VIBHU BAKHRU, J

SEPTEMBER 26, 2018
MK