

\$~35

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

+ O.M.P. (COMM) 197/2018 & I.A. Nos.6174/2018, 6176/2018

THE COMMISSIONER OF POLICE Petitioner
Through Mr.Anuj Aggarwal, ASC with
Ms.Deboshree Mukherjee, Advs.
along with SI Surender Kumar
(Traffic) and SI Ramtirath (Pairvi
Officer-Traffic)

versus

rites limited & ANR. Respondents
Through Mr.G.S.Chaturvedi and Mr.Shrinkar
Chaturvedi, Advs. for R-1 along with
Mr.A.K.Chaubey (SDGM) and
Mr.Devbrata Dalal (Project Manager).
Ms.Riparna Chatterjee, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **17.05.2018**

This petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner challenging the Award dated 08.12.2017 passed by the Sole Arbitrator under the Permanent Machinery of Arbitration.

Learned counsel for the respondent no.1, relying upon the guidelines for Settlement of commercial disputes between Public Sector Enterprises *inter se* and Public Sector Enterprise(s) and Government Department(s) through Permanent Machinery of Arbitrators (PMA) in the Department of Public Enterprises, submits that in terms of Clause X thereof an appeal

against the said Award can be preferred before the Law Secretary, though, the said appeal may be barred by Law of Limitation as on today. He further relies upon the order dated 15.03.2017 of this Court passed in Execution Petition 316/2012 *Engineering Projects (India) Ltd. v. M/s Steel Authority of India Ltd.* wherein this Court, after considering the rules had held that the provision of the Arbitration and Conciliation Act, 1996 would not apply to the arbitrations conducted under PMA.

Learned counsel for the petitioner does not dispute the above and fairly submits that even the order dated 09.03.2016 passed by the Sole Arbitrator, while entering reference, has clearly recorded that the Act would not be applicable and that any party aggrieved from the Award may file an appeal against the Award before the Law Secretary, Department of Legal Affairs, Ministry of Law and Justice for setting aside the Award.

In view of the above, the present petition is not maintainable before this Court and is accordingly dismissed along with pending applications. I may only record that even the present petition was beyond the period of limitation as prescribed under Section 34(3) of the Act.

Dasti.

NAVIN CHAWLA, J

MAY 17, 2018/Arya