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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **O.M.P.(I) (COMM.) 199/2018**  
**AFCONS INFRASTRUCTURE LIMITED**

..... Petitioner

Through Mr. Darpan Wadhwa, Sr. Adv. Mr.  
Pallav pandey and Ms. Ananya Misra,  
Adv.

versus

**DELHI METRO RAIL CORPORATION LTD.**

..... Respondent

Through Mr. Tarun Johri, Mr. Ankur Gupta  
and Mr. Ankit Saini, Adv. with Mr.  
Sanjay Kumar, AR.

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **27.11.2018**

1 Learned counsel for the parties inform me that an Arbitral Tribunal has been constituted.

2 The record shows that on 02.05.2018, an ad-interim order was passed by my predecessor after hearing both sides.

3 In these circumstances, learned counsel for the parties say that since, the Arbitral Tribunal has been constituted, this petition can be placed before the Arbitral Tribunal for disposal.

4 The other submission of the learned counsel for the respondent is that the petition should be disposed of by the Arbitral Tribunal in the first instance.

5 Accordingly, the petition is disposed of with the following directions:

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- (i) The petition will be placed before the Arbitral Tribunal. The Arbitral Tribunal will treat the same as an application filed under Section 17 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act').
- (ii) The respondent will file a reply to the petition/application within one week from today. Rejoinder thereto, will be filed within one week thereafter.
- (iii) The petition/application will be dealt with by the Arbitral Tribunal with due expedition. The Arbitral Tribunal is requested to dispose of petition within the next eight weeks.
- (iv) Till such time, the petition/application is disposed of, the interim order passed by this Court on 02.05.2018 will continue to operate. The Arbitral Tribunal, however, will have the liberty to vacate/vary or even affirm the interim order.

**RAJIV SHAKDHER, J**

**NOVEMBER 27, 2018**

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