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

+ **O.M.P. (COMM) 193/2016**

M/S IVRCL LTD

..... Petitioner

Through: None.

versus

M/S NTPC TAMIL NADU ENERGY COMPANY LTD

& ANR

..... Respondents

Through: Mr. Bharat Sangal, Advocate.
(M-9811054274)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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01.08.2018

1. The present petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 challenges the award dated 28th December, 2012 passed by the learned sole Arbitrator. The operative portion of the award is as under: -

- “1. The claimant is entitled to the payment in respect of extra lead of 19km to secure gravel as per the prevailing diesel rate at the relevant point of time and as such the respondent is liable to pay the said amount within three months from the date of this award.*
- 2. Except the above, all the other claims made by the claimant on various heads are not sustainable and they are rejected.*
- 3. The counter claim of the respondent herein is also rejected with a liberty to proceed after the completion of the work by the claimant if they are so advised.*

4. *In the interest of the project the claimant is directed to complete the project work as agreed.*
5. *Parties are directed to bear their cost of arbitration on their own.”*

2. Mr. Bharat Sangal, learned counsel for the Respondents submits that insofar as the counter claim filed by his client is concerned, the same was dismissed with liberty to the Respondents to pursue their claims after the project work was completed. He submits that a separate arbitration proceeding is already going on between the parties in respect of his counter claims. Insofar as the Petitioner's objections against the impugned award is concerned, it is noticed that for several hearings none has appeared for M/s. IVRCL Ltd. and on the last date, one of the counsels sought discharge from the matter. A perusal of the *vakalatnama* on behalf of the Petitioner also shows that the *vakalatnama* is of Mr. Gireesh Kumar who has already been discharged as the counsel. It is also informed that Mr. Rajiv Kumar Garg also no longer appears for the Petitioner.

3. Since none appears for the Petitioner, the petition is dismissed for non-prosecution.

PRATHIBA M. SINGH, J.

AUGUST 01, 2018

Rekha