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

+ **O.M.P. (COMM) 279/2016**

BRIJ GOPAL CONSTRUCTION COMPANY
PVT LTD

..... Petitioner

Through Mr Bhupesh Narula, Advocate.

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.03.2018

IA No. 11637/2017

1. The petitioner has filed the present application, *inter alia*, praying that the order dated 13.09.2017 passed by this Court be clarified with regard to the amount of claim no.3 and the interest thereon. It is seen that certain claim (claim for additional cost for excavation of a fly ash) made by the applicant had been rejected by the Arbitrator, which this Court found to be not justified. Accordingly, the arbitral award in question was set aside to the said extent by the order dated 13.09.2017.

2. The petitioner is, essentially, seeking that directions be issued to the respondent to allow the said claim. The petitioner may be justified in contending that in view of the order passed by this Court on 13.09.2017, the claim in question preferred by the petitioner ought to be allowed; however, this relief cannot be granted in this petition. Section 34 of the Arbitration

and Conciliation Act, 1996 is clear and in terms of the said provision, the jurisdiction of this Court is limited to setting aside the award and does not extend to directing payment of any sum, which has not been awarded. The application is, accordingly, dismissed.

3. It will be open for the petitioner to take such remedies as available in law including seeking a fresh reference to arbitration.

VIBHU BAKHRU, J

MARCH 15, 2018

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