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

+ O.M.P.(I) (COMM.) 144/2017

MICHIGAN ENGINEERS PVT LTD & ANR

..... Petitioner

Through: Mr.S.Nagesh, Senior Advocate with
Mr.Firdous Pooniwalla, Mr.Banooj
Kapadia, Mr.Debbarshi, Advocates.

versus

ARAVALI INFRA POWER LTD

..... Respondent

Through: Mr.S.K. Dubey, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **26.04.2018**

This petition is under Section 9 of the Arbitration and Conciliation Act, 1996. It is submitted by the learned senior counsel for the petitioner that the petitioner has sold solar power plant to the respondent and though some part payments were made by the respondent but the dispute arose qua the balance payment and on termination of the contract and the parties went to arbitration. A performance bank guarantee of ₹ 5.4 crores was given by the petitioner to the respondent. Now the arbitration is complete and an award is passed on 27.12.2017 in favour of the petitioner for ₹ 37 crores approximately with interest. All counter claims of the respondent stood rejected by the learned arbitrator. The objections under Section 34 of the Act though are stated to have been filed but the learned senior counsel for the petitioner submit the petitioner has

not received the copy of the same. Since the award is in favour of the petitioner it would not be appropriate to continue with this petition or asking the petitioner to continue with its bank guarantee. Hence the orders dated 28.05.2012 and 01.06.2012 are made absolute and since the award is in favour of the petitioner there is no need to renew the said bank guarantees further.

Petition stands disposed of in terms of above.

YOGESH KHANNA, J

APRIL 26, 2018

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