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

+ **FAO(OS) (COMM) 152/2018**

MACHINE TOOL (INDIA) LIMITED Appellant

Through: Mr Viraj Kadam, Adv

versus

SPLENDOR BUILDWELL PRIVATE LIMITED & ANR

..... Respondents

Through: Mr Anirudh Bakhru and Ms Mehak
Tanwar, Advs

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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06.08.2018

The present appeal is directed against the order dated 29.05.2018 vide which the objections to the award dated 10.11.2017 have been dismissed by placing reliance on section 34(5) of the Arbitration and Conciliation Act, 1996.

Counsel for the parties agree that in view of the judgment rendered by the Supreme Court of India in the case of **The State of Bihar & Ors vs. Bihar Rajya Bhumi Vikas Bank Samiti**, C.A. No. 7314/2018 decided on 30.07.2018, where it has been categorically held that section 34(5) is not a mandatory provision and it is directory in nature, the impugned order is liable to be set aside. Accordingly, the order dated 29.05.2018 by which the objections to the Award dated 10.11.2017 were dismissed is set aside. The matter is remanded

back to the learned Single Judge for hearing on merits. Parties to appear before the learned Single Judge on 06.09.2018.

The appeal is disposed of accordingly.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 06, 2018
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