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IN THE HIGH COURT OF DELHI AT NEW DELHI

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EFA(OS) (COMM) 8/2018

NATIONAL HYDROELECTRIC POWER CORPORATION LTD

..... Appellant

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Tarkeshwar Nath and Mr. Shivendra Johri,
Advocates.

versus

HINDUSTAN CONSTRUCTION CO LTD Respondent

Through: Dr. A.M. Singhvi, Mr. Rishi Agarwala
and Mr. Pranjit Bhattacharya, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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13.09.2018

The impugned order of the learned single Judge dated 18th July,
2018 reads as under:-

“ **I.A. No. 9239/2018 (U/s 151 CPC)**

2. This is an application whereby the prayer made is
as follows:-

“(a) Direct the decree holder to comply
with all the requirements of the NITI
AAYOG Guidelines/Circulars annexed
aforesaid and its Standard Operating
Procedure (SOP) and till then the OMP
(ENF) (COMM) 98 of 2018 be kept in
abeyance.

(b) Stay the operation of the impugned arbitration award dated 06.05.2016 till the disposal of the objection petition u/s 34 of the Arbitration and Conciliation Act, 1996”

3. After some arguments, Mr. Sethi, Learned ASG says that since no release is ordered vide order dated 28.05.2018 and that this aspect is yet to be decided by this court, the captioned application is not pressed for the moment.

4. It is ordered accordingly.

5. The application is disposed of.

OMP (ENF.) (COMM) 98/2018

6. Mr. Sethi assures this court that 75% of the awarded amount as directed by this court vide order dated 28.05.2018 will be deposited with the Registry of this Court within two weeks from today.

7. In case, the money is deposited as assured by the Learned ASG, the Registry will invest the same in an interest bearing fixed deposit maintained with the nationalised bank.

8. Dasti under the signatures of the Court Master.”

Learned senior advocate appearing for the appellant states that he is impugning the order passed in IA. No. 9239/2018 as well as enforcement application.

In IA No. 9239/2018, as per the impugned order was withdrawn, as not pressed by the appellant and accordingly was disposed of. The appellant, therefore, cannot now challenge this order.

Paragraph 6 and 7 of the impugned order deal with the direction given in the enforcement application, filed by the

respondent for enforcement of the award dated 6th May, 2016. The order records the concession made on behalf of the appellant. On being questioned, learned senior advocate for the appellant on instructions states that there is no stay against enforcement of the Award, subject matter of the enforcement application. I.A. No. 9239/2018 was predicated in the NITI AAYOG Circulars, and as noticed above was withdrawn.

In the aforesaid circumstances, we do not find any reason to interfere with the statement made by the counsel on behalf of the appellant as recorded in paragraph 6.

The appeal is misconceived and is dismissed. No costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

SEPTEMBER 13, 2018
MR