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

+ **FAO(OS) (COMM) 189/2018**

M/S RAKESH KUMAR & CO

..... Appellant

Through: Mr.J.P. Sengh, Sr. Advocate with Mr.S.W.
Haider and Ms.Vaishali Tanwar, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Jagjit Singh, Ms.Preet Singh and
Mr.Vipin Chaudhary, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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17.09.2018

CM No.34250/2018 (delay)

This is an application seeking condonation of delay of 30 days in filing the appeal.

Notice. Counsel for the respondent accepts notice. The prayer made in this application is not opposed. Accordingly, the delay of 30 days in filing the appeal is condoned.

The application stands disposed of.

FAO(OS) (COMM) 189/2018

The present appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 read with Section 13(1) of the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Court's Act, 2015 seeking setting aside of the impugned judgment/order dated 03.05.2018 as well as the impugned award dated

16.09.2017.

After some hearing, Mr.J.P. Sengh, learned senior counsel on instructions submits that he has instructions to only pray that the cost of Rs.5 lacs which has been imposed, be waived as the appellant has already suffered a losses and even otherwise the majority of the claims have been left to be decided before the Civil Court.

Mr.Jagjit Singh, counsel for the respondent enters appearance on an advance copy.

We have heard the learned counsel for the parties.

Having regard to the fact that out of thirteen claims, 12 are yet to be adjudicated before the Civil Court, we are inclined to accept the submissions made by learned senior counsel for the appellant. Cost be reduced to Rs.1 lac.

With this modification, the appeal is disposed of.

In case the appellant approaches the Civil Court, the Civil Court would decide the matter in accordance with law.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 17, 2018
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