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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1133/2018 & CM APPL. 38544-38546/2018**

SACHIN SECURITY & PARKING SERVICES Petitioner

Through: Mr. Raman Kapoor, Sr. Advocate
with Mr. Joydeep Sarma, Advocate.

versus

DIRECTOR, NATIONAL ZOOLOGICAL PARK & ANR
..... Respondents

Through: Mr. Arun Kumar, Mr. Dhruva,
Advocates with Mr. Riyaz Ahmad
Khan, Advocates for R-1.
Mr. Ashish Khurana, Mr. Shiv
Khurana, Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **19.09.2018**

CM(M) 1133/2018 & CM APPL. 38544-38546/2018

Notice of the petition is issued to the respondent no. 1 & 2
which is accepted on behalf of the respondents.

Initial submissions made on behalf of the petitioner.

A perusal of the record indicates that vide order dated
02.08.2017 in W.P.(C)6614/17 of this Court, in relation to virtually
the same grievance that is raised through the present petition qua the
respondent no.1 allegedly not calling for tenders for the parking space

for food stalls inside Zoological park, the parking space outside the Zoological park and the battery operated trolleys inside the Zoological park, which are all alleged to be run and operated by the respondent no.2 as per proceedings dated 13.10.2017 to the present petition who was also so arrayed in W.P.(C)6614/17, the said petition had been disposed of.

Taking into account the factum that the respondent no.2 to the present petition also the respondent to the W.P.(C)6614/17 had brought across that he had filed a petition under Section 34 of the Arbitration & Conciliation Act, 1996 challenging an arbitral award published against him and had obtained an interim relief which could prevent the respondents to the said petition from proceeding further and vide order dated 02.08.2017 W.P.(C)6614/17, it was thus directed to the effect:-

“In the aforesaid context, the respondents are bound down to the statement that they shall invite tender for the facilities and proceed with the same; however this is subject to any other order that may be passed in any other proceedings. In other words, if the respondents are not interdicted in proceeding with the above, the respondents shall ensure that the aforesaid statement is complied with.”

The records also indicates that vide order dated 13.10.2017 that was filed after the disposal of the said petition on 02.08.2017, pursuant to CM No.36915/17 & CM No. 36914/17 filed on behalf of

the petitioner herein as petitioner thereof seeking directions and impleadment of the respondent no.2 i.e. the present respondent no.2 herein, it was observed to the effect that the prayers as framed by the petitioner who is the very same petitioner in the present proceedings could not be granted and the application was dismissed but the learned Trial Court seized of Arbitration Petition 361/17 captioned Shiv Kumar Singh Vs. Union of India was requested to expeditiously dispose of the said proceedings and in any event within a period of three months from the date of order dated 13.10.2017.

It has been submitted on behalf of the petitioner that the said proceedings are still pending and that the petitioner is aggrieved in view of the proceedings in the said Arbitration Petition No.361/17 which are now listed for the date 06.10.2018 in which there is an application under Section 33 of the Indian Stamp Act, that is pending for consideration and the interim orders have been directed to continue inasmuch as vide proceedings dated 01.08.2018, it had been submitted by the petitioner of the said petition arrayed as respondent no.2 to the present petition that an application under Section 9 of the Arbitration & Conciliation Act was pending and the direction be issued to the respondent apparently the respondent no.1 herein arrayed as respondent no.1 to Arbitration Petition No.361/17 also not to open the tender till the next date of hearing qua which the counsel for the respondent i.e. apparently the respondent no.1 submitted that the said respondent had no intention to open the tender before the next date of hearing and that thus the tenders have not been opened.

Taking all these aspects into account, in view of orders dated 02.08.2017 and 13.10.2017 in W.P.(C)6614/17, the learned Trial Court of the ADJ-06, South East Saket seized of Arbitration Petition No.361/17 is requested to make an endeavour to dispose of the Arbitration Petition No.361/17 by the date 21.12.2018.

The petition is disposed of accordingly.

Copy of this order be sent to the learned Trial Court

ANU MALHOTRA, J

SEPTEMBER 19, 2018/NC