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

+ **FAO(OS) (COMM) 241/2018**

**PTC TECHNO PVT LTD**

..... Appellant

Through: Mr.A.P.S.Ahluwalia, Sr. Advocate with  
Mr.Abdul Nasir Khan, Advocate.

versus

**SAMSUNG INDIA ELECTRONICS PVT LTD**

..... Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **23.10.2018**

**CM.APPL.44219/2018** (*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**FAO(OS) (COMM) 241/2018**

1. The challenge in the present appeal is to the order dated 24.07.2018 passed by the learned Single Judge of this Court, by which while dealing with the objections to the Award filed by the respondent under Section 34 of the Arbitration and Conciliation Act, 1996, the operation of the award dated 19.04.2018 was stayed.
2. Mr.Ahluwalia, learned senior counsel appearing on behalf of the appellant submits that order dated 24.07.2018 is devoid of any reason for granting interim protection in the matter. Learned senior counsel submits that a copy of award has not been filed.
3. We have heard the learned senior counsel for the appellant and examined the order dated 24.07.2018 passed by the learned Single Judge.
4. A reading of the said order would show that the petitioner before the learned Single Judge, (respondent herein) had drawn the attention of the

Court to the documents filed at pages 103, 213 and 214 of the paper book to establish that the arbitration clause, which is also included in the debit note dated 04.05.2017 is interpolated. It was also noted by the learned Single Judge that debit note which is appended at page 103, did not include the arbitration agreement. Learned Single Judge had also taken note of the fact that interim award was passed by the same Arbitrator against which an appeal bearing Arbitration Appeal (COMM) No.14/2017 had also been filed by the petitioner (respondent herein). In the said appeal, an ex-parte interim order was passed on 31.05.2017 which continued after 20.07.2017. Taking note of all these facts, while issuing notice in the petition, learned Single Judge granted time to respondent herein to file reply, the learned Single Judge stayed the operation of the award dated 19.04.2018 till the next date of hearing. A complete reading of the said order would show that for good reasons, the learned Single Judge had passed the interim order.

5. We find no ground to interfere with the interim order 24.07.2018 granting time to the appellant to file reply.

6. We have no hesitation in saying that once pleadings are complete, learned Single Judge will decide the application seeking stay of impugned award as early as possible.

7. The appeal is, accordingly, dismissed.

8. CM APPL. 44218/2018 also stands dismissed.

**G.S.SISTANI, J**

**JYOTI SINGH, J**

**OCTOBER 23, 2018/ssc**