

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 338/2017 & IA 10286/2017
STATE TRADING CORPORATION OF INDIA LTD. Petitioner
Through: Mr.Dinesh Agnani, Sr. Adv. with
Mr.R.N.Yadav, Adv.

versus

METRO MACHINERY TRADERS, & ORS. Respondents
Through: Mr.Simranjeet Singh, Adv.
Mr.Abhijat, Mr.S.Jindal, Mr.P.Sharma, Adv. for
R-5
Mr.Anil Nag, Mr.Abhilash Nag, Mr.Arun Singh,
Adv. for R-9
Mr.Kuleep Bawal, Adv. for R-1,4,7,8
Mr.Sanjay Katyal, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **05.02.2018**

IA 10286/2017

This is an application seeking condonation of 16 days delay in re-filing the petition.

For the reasons stated in the application, the delay of 16 days in re-filing the petition is condoned. The application is allowed.

IA 1692/2018

This is an application seeking condonation of 25 days delay in filing reply.

For the reasons stated in the application, the delay of 25 days in filing reply is condoned. Reply is taken on record. The application is allowed.

IA 1693/2018(by respondent nos.1,4,7,8)

This is an application seeking condonation of 17 days delay in filing reply.

For the reasons stated in the application, the delay of 17 days in filing reply is condoned. Reply is taken on record. The application is allowed.

OMP (I)(COMM) 338/2017

This petition has been filed by the petitioner *inter alia* seeking following reliefs:-

“a) direct Neyveli Lignite Corporation Ltd. not to pay and/or disburse the awarded amount as passed by the learned Sole Arbitrator Mr. Justice R.C. Lahoti dated 14.12.2016 being Annexure P-3 to this application in favour of the Respondent No.1 (Mis. METRO MACHINERY TRADERS) and/or to any of the partner's/guarantors of Respondent No.1 without the permission of this Hon'ble Court and without notice to the Petitioner;

b) In case of Neyveli Lignite Corporation Ltd. has to pay the awarded amount to the Respondents the same may be deposited in this court the entire awarded amount as passed by the sole arbitrator Mr. Justice R.C. Lahoti dated 14th December, 2016 being Annexure P-3 to this application subject to such terms as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case, and”

Respondent no.9, Neyveli Lignite Corporation in its reply has stated that the Award dated 14th December, 2016 has been challenged by it before the Court of District Judge, Cuddalore, Tamil Nadu and since the Arbitral Award will be governed by the Arbitration and Conciliation Act, 1996, as existing prior to its Amendment of 2015,

the same is not enforceable as long as the said challenge is pending adjudication.

In view of the above, learned senior counsel for the petitioner submits that the respondent no.9 may be directed to simply inform the petitioner of the outcome of the said objection petition before releasing the amount under the Impugned Award, if at all required to be released. Counsel for respondent no.9 has no objection to the said prayer.

In view of the above, the present petition is disposed of directing that respondent no.9 shall inform the petitioner about the outcome of the objection petition filed by it challenging the Award dated 14th December, 2016 in the Court of District Judge Cuddalore, Tamil Nadu before releasing any amount in favour of the respondent no.1, if at all any amount is so required to be released.

NAVIN CHAWLA, J

FEBRUARY 05, 2018

RN