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

\+ OMP (ENF.) (COMM.) 5/2017 & IA 3821/2017

RENEWABLE ENERGY SYSYTEMS LIMITED ..... Decree Holder
Through: Mr. Sumesh Dhawan, Ms. Tannya Baranwal, Ms. Jasvin Dhama and Ms. Charu Sharma, Advocates

versus

BHARAT SANCHAR NIGAM LIMITED ..... Judgment Debtor
Through: Mr. Samdarshi Sanjay, Advocate

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\+ OMP (ENF.) (COMM.) 10/2017 & IA 812/2017

CANARA BANK ..... Decree Holder
Through: Mr. Pradeep Dewan, Sr. Advocate with Ms. Anupam Dhingra, Advocate

versus

BHARAT SANCHAR NIGAM LIMITED (in short'BSNL'..... Judgment Debtor
Through: Mr. Samdarshi Sanjay, Advocate

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **15.01.2018**

These Enforcement applications have been filed by the petitioners seeking enforcement of arbitral award, admittedly where the arbitration proceedings had commenced prior to the coming into force of the Arbitration & Conciliation (Amendment) Act, 2015. Division Bench of this Court in ***Ardee Infrastructure Pvt. Ltd. vs. Ms.Anuradha Bhatia (2017) 237 DLT 140 (DB)*** has held that where

the Amendment Act will not apply to the proceedings where the arbitration proceedings had commenced prior to the coming into force of the said Amendment Act, the provisions of Sections 34 & 36 of the Arbitration & Conciliation Act, 1996, as they stood prior to the amendment would continue to apply.

Counsels for the petitioners submit that the Special Leave Petition against the Judgment of this Court in ***Ardee Infrastructure (supra)*** is pending adjudication before the Supreme Court. In my view, the present petitions would not be maintainable at this stage in view of the judgment of this Court in ***Ardee Infrastructure (supra)***. The petitioners would always be at liberty to file a fresh petition, subject to outcome of the Special Leave Petition.

The petitions are disposed of with the liberty as aforesaid.

NAVIN CHAWLA, J

JANUARY 15, 2018
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