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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 379/2018

PUNJ LLOYD LIMITED

..... Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv with
Mr.Vivek Jain, Mr. Manish Shekhari,
Mr. Aakash Lodha and Mr. Sanjay
Seshadri, Advs.

versus

NORTH WESTERN RAILWAY, JAIPUR & ANR. Respondents

Through: Mr. Jagjit Singh, Ms.Preeti Singh and
Mr. V. Chaudhary, Advs. for R-1.
Mr. Karan Khanna and Mr. N.
Taneja, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.12.2018

I.A. No.14124/2018

1 This is an application filed on behalf of the petitioner for
furnishing additional documents.

2 Mr. Jagjit Singh, who, appears for the respondents, says that
without prejudice to the rights and contentions of the respondents, the
prayer made in the application be allowed. It is ordered accordingly.

3 The application is disposed of.

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4 I am informed by the counsel for the parties that the Arbitral
Tribunal is now constituted. Pleadings are also complete.

5 Counsel for the parties say that they would have no difficulty if
the captioned petition is taken up for hearing by the Arbitral Tribunal
by treating the same as an application under Section 17 of the
Arbitration and Conciliation Act, 1996 (in short '1996 Act').

6 The only concern expressed by the counsel for the respondents

is that there should not be any delay in the adjudication of the application.

7 Mr. Krishnan, who, appears for the petitioner, says that the petitioner assures this Court that there would not be delay on the part of the petitioner in prosecuting the application.

8 I am further informed by the learned counsel for the parties that the Arbitral Tribunal has fixed its first hearing on 07.01.2019.

9 In these circumstances, the petition is disposed of with the following directions:

(i) The captioned petition will be placed before the Arbitral Tribunal. The Arbitral Tribunal will treat the captioned petition as an application under Section 17 of the 1996 Act.

(ii) The pleadings in the captioned petition will be treated as pleadings in the application. The Arbitral Tribunal is requested to hear arguments on 07.01.2019 and on dates fixed thereafter.

(iii) The Arbitral Tribunal is further requested to dispose of the application, in the first instance, at the earliest, though, not later than six weeks from 07.01.2019. In order to hasten the process, counsel for the parties says that they will file a mirror image of the pleadings filed in this court with the Arbitral Tribunal within one (1) week from today.

(iv) Pending the disposal of the application by the Arbitral Tribunal, the interim order dated 28.09.2018 will continue to operate.

The Arbitral Tribunal will have the liberty, *albeit*, after hearing both parties, to either confirm, or vacate or even modify the order dated 28.09.2018 passed by this Court.

10 *Dasti* under the signatures of the Court Master.

DECEMBER 18, 2018/A

RAJIV SHAKDHER, J