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

+ W.P.(C) 12068/2018

M/S BPTP LTD. AND ANR. Petitioners

Through: Mr Manish Sharma, Advocate.

versus

DELHI ARBITRATION CENTRE AND ANR. Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.11.2018**

CM No. 46753/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 12068/2018 & CM No.46752/2018

2. The petitioners have filed the present petition, *inter alia*, praying as under:-

- “i. Issue a writ of Certiorari in favour of the Petitioners’ and quash the Orders dated 04.08.2018 and 06.10.2018 in the arbitration matter “M/S Akansha Estate Management Services (P) Ltd. vs. M/s BPTP (P) Ltd. and Anr.’ before the Delhi Arbitration Centre;
- ii. Issue a writ of mandamus directing the Ld. Arbitral Tribunal to take on record the Statement of Defence as filed by the Petitioners’ on 06.06.2018;
- iii. Issue a writ of mandamus in favour of the Petitioners’ granting the Petitioners’ the right to lead evidence.”

3. This Court is of the view that the present petition is not maintainable

in view of the provisions of Section 5 of the Arbitration and Conciliation Act, 1996.

4. The petitioners are, essentially, aggrieved by the direction of the Arbitral Tribunal in refusing further time to the petitioners to place the Statement of Defence on record. The petitioners states, further, time had been granted to the petitioners to do so but the said communication was not dispatched within time. Consequently, the petitioners became aware of the same at a much belated stage and could not take advantage of the extended time.

5. This Court is not inclined to examine this controversy in these proceedings as the Arbitration and Conciliation Act, 1996 is a complete code and no interference in the Arbitral Proceedings is warranted in these proceedings. It will be open for the petitioners to approach the Arbitral Tribunal with any grievance regarding arbitral proceedings and avail further remedies under the Arbitration and Conciliation Act, 1996 if available.

6. The petition is disposed of. The pending application is also disposed of.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 12, 2018
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