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

+ O.M.P.(I) (COMM.) 336/2017

LUCKY EXPORTS

..... Petitioner

Through: Mr. Harish Malhotra, Sr. Adv. with
Mr. Alok K. Agarwal, Mr. Apoorv
Rastogi and Ms. Arpita, Advs.

Versus

PUBLIC PROCUREMENT AND PROPERTY
DISPOSAL SERVICE & ORS.

..... Respondent

Through: Mr. V. Sudeer with Mr. M. Chandra
Sekhar, Advs. for R-3/Syndicate
Bank.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **13.08.2018**

1. The record shows that interim protection was granted by this Court vide order dated 4.9.2017, when, the petition came up for hearing for the first time. Though, on that day, notice was issued to all the three respondents, on the following date i.e., 25.9.2017, the Court recalled the notice qua respondent No.2, which is the Govt. of Ethiopia.

2. In effect, though, respondent No.1 has been served, there is no representation on behalf of the said respondent.

2.1 Respondent No.1 is the contesting party.

3. I may record that respondent No.3, which has furnished the subject bank guarantee is represented by Mr. V. Sudeer, Advocate.

4. Mr. Malhotra, learned Senior Counsel, who, appears for the petitioner, says that the petitioner has not taken steps for having an arbitral tribunal appointed, in view of the settlement talks going on between the petitioner and respondent No.1.

4.1 For this purpose, my attention has been drawn by the learned Senior Counsel towards the order dated 24.1.2018.

5. Having regard to the aforesaid, the captioned petition is disposed of with the following directions:

- (i) The order dated 4.9.2017 is made absolute.
- (ii) The petitioner will trigger the arbitral mechanism within the next four weeks, failing which, the order dated 4.9.2017 will automatically stand dissolved.
- (iii) In case requisite steps are taken for appointment of an arbitral tribunal, the order dated 4.9.2017 will continue to operate.
- (iv) The arbitral tribunal, however, will have liberty to either affirm or vacate or even modify the order dated 4.9.2017, after giving due opportunity to the concerned parties.

6. The Registry will dispatch a copy of this order to respondent No.1.

7. *Dasti.*

RAJIV SHAKDHER, J

AUGUST 13, 2018/pmc

O.M.P.(I) (COMM.) No.336/2017

Pg.2 of 2