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

+ **ARB.A.(COMM.) 49/2017**

DELHI DEVELOPMENT AUTHORITY Petitioner

Through: Ms Mahima Gupta, Advocate.

versus

SHRI SAI NATH ENTERPRISES Respondent

Through: Mr Rajesh Gupta, Ms Harpreet Singh
and Mr Pranjal Saran, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.02.2018**

1. The petitioner has filed the present petition under Section 37(2) of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') impugning the orders dated 15.11.2017 and 08.09.2017 (hereafter 'the impugned orders') passed by the Arbitral Tribunal extending the *ad interim* stay of invocation of the bank guarantee furnished by the respondent.
2. It is seen from the impugned orders that the same are unreasoned and merely extend the *ad interim* stay that was granted earlier by this Court in an application filed in a petition under Section 9 of the Act [OMP(I)(Comm.) 170/2017]. The said petition was disposed of by an order dated 05.05.2017 directing the Arbitral Tribunal to treat the same as an application for interim measures under Section 17 of the Act. This Court by an order dated 04.09.2017 had further extended the stay against invocation of the bank guarantee furnished by the respondent on the condition of deposit of

₹40,00,000/-, which the said order records was deposited by the respondent.

3. As noticed above, the Arbitral Tribunal had not finally decided the respondent's application for interim relief as yet. In the aforesaid circumstances, this Court considers it apposite to dispose of this petition by directing the Arbitral Tribunal to dispose of the said application within a period of six weeks from today.

4. Needless to state that all rights and contentions of the parties are reserved.

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

VIBHU BAKHRU, J

FEBRUARY 20, 2018
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