

\$~21

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

+ ARB. A. (COMM.) 36/2019 & CAV. No. 1201/2019 and
IAS. 17240/2019 and 17241/2019

**BID SERVICES DIVISON (MAURITIUS)
LIMITED**

..... Petitioner

Through: Mr. Mukul Rohatgi, Sr. Adv.,
Mr. Amit Sibal, Sr. Adv. with
Mr. V.P. Singh, Mr. Arvind Ramesh,
Ms. Roopali Singh, Mr. Rutunjay
Singh, Ms. Nafisa Khandeparkar,
Ms. Neekaja Balakrishnan, Ms. Durga
Priya Nanda, Mr. Muqueet Drabu and
Mr. Aman Sharma, Advs.

versus

**GVK AIRPORT HOLDINGS PVT. LTD.
& ORS.**

..... Respondents

Through: Mr. Rajiv Nayar, Sr. Adv. with
Ms. Ruby Singh Ahuja, Mr. Kartik
Nayar, Mr. Avishkar Singhvi,
Mr. Vishal Gehrana, Ms. Swirkriti
Singhania and Mr. Anmol Jassal,
Advs. for R1.
Mr. Aman Yadav and Mr. Digvijay
Rai, Advs. with Mr. Gagan Kocchar
(Manager law) and Mr. Bhibhuti Jha
(Manager law) for R2.
Mr. Kaustubh Prakash, Adv. for R3.

**CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO**

ORDER

%

06.12.2019

CAV. No. 1201/2019

As the learned counsel for the caveator appears, caveat stands discharged.

IA. 17241/2019 (for exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

ARB. A. (COMM.) 36/2019 & IA. 17240/2019 (for stay)

The challenge in this petition is to the order dated November 26, 2019, whereby the Arbitral Tribunal had passed the following order:

“The proceedings were held on 24th, 25th and 26th November 2019 as scheduled.

Dr. Singhvi, learned Senior Counsel appearing on behalf of the Claimant submitted that an affidavit has been filed indicating compliance of the order passed by the Tribunal on 15th September, 2019. This was disputed by Mr. Sarkar, learned Sr. Counsel appearing for the Respondent no.1.

We have heard submissions on the application filed by the Claimant under Section 17 of the Arbitration and Conciliation Act, 1996. The submissions have been concluded by Mr. Sarkar as well as by Mr. Rai appearing on behalf of the Respondent No.3. Dr. Singhvi needs some time to rejoin and it is unlikely that this submissions will be concluded today.

The application for deletion filed by Respondent No.2 under Section 16 of the Arbitration and Conciliation Act, 1996 will be taken up in due course.

Dr. Singhvi states that the shares of the fees of the arbitrators due from Respondent no.2 will be paid by the Claimant within two weeks from today. The parties will furnish a statement of account to the arbitrators giving the deposit towards fees and expenses including the date of payment, mode of payment and the TDS deducted.

It may be stated that seven hearings have been held and one more

hearing is required to be held for the conclusion of submissions on the application under Section 17 of the Arbitration and Conciliation Act. Therefore, the balance fees will have to be deposited for 8 hearings within two weeks.

To come up for further proceedings and conclusion of the hearing on the application under Section 17 of the Arbitration and Conciliation Act, 1996 on 15 December 2019 at 5 PM. The venue will be arranged by the parties on mutual agreement.

Since the application under Section 17 of the Arbitration and Conciliation Act, 1996 is pending conclusion of hearing and is sub-judice, we expect Respondent No.1 and Respondent No.3 not to precipitate the issue with regard to the sale of shares.”

In view of the fact that the Arbitral Tribunal has listed the matter for rejoinder arguments / conclusion of hearing, I do not see any reason to interfere with the impugned order.

The appeal and the connected application are dismissed.

Dasti.

V. KAMESWAR RAO, J

DECEMBER 06, 2019/jg