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

+ EFA(OS) (COMM) 21/2019, Caveat 1237/2019, C.M. Appl.No.
53970-53971/2019

NTPC LTD

..... Appellant
Through: Ms. Pinky Anand, Additional
Solicitor General with Mr. Ashish
Kumar, Mr. Sumit, Advocates

versus

VOITH HYDRO JOINT VENTURE

..... Respondent
Through: Mr. Rajiv Nayar, Senior Advocate
with Mr. Omar Ahmed, Mr.
Kamaljeet Singh, Mr. Vikram Shah,
Mr. Amol Gupta, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **17.12.2019**
Caveat 1237/2019

Mr. Omar Ahmed, Advocate enters appearance on behalf of the
respondent. The caveat stands discharged.

C.M. Appl.No. 53971/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

EFA(OS) (COMM) 21/2019, C.M. Appl.No. 53970/2019 (Stay)

1. Mr. Rajiv Nayar, Senior Advocate appearing on behalf of the respondent on advance notice, challenges the maintainability of the present appeal under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.
2. Ms. Pinky Anand, learned ASG seeks to explain that the present appeal has been filed in terms of the liberty granted by the learned Single Judge on 04.12.2019.
3. We have however expressed our reservations on entertaining the appeal, as in our opinion the impugned order does not warrant any interference in the present proceedings.
4. At this stage, Ms. Anand, states on instructions, that appellant may be permitted to withdraw this appeal while reserving its right to file an appropriate application in FAO (OS) (Comm) No.329/2019, filed by the NTPC, assailing the judgment dated 02.07.2019, passed by the learned Single Judge on a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996.
5. As and when the said application is filed in the captioned appeal, the same shall be considered in accordance with law.

6. Leave as prayed for is granted. The appeal and the pending applications are dismissed as withdrawn.

HIMA KOHLI, J

ASHA MENON, J

DECEMBER 17, 2019
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