

\$~25

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

+ **FAO(OS) (COMM) 41/2019**

NATIONAL HIGHWAY AUTHORITY OF INDIA Appellant
Through: Ms.Asha Gopalan Nair and Ms.Nivedita
Nair, Advocates
versus

M/S CONTINENTAL ENGINEERING CORPORATION (CEC)
..... Respondent
Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
% **22.02.2019**

C.M.8402/2019 (delay)

This is an application seeking condonation of delay of 37 days in filing the present appeal.

Heard.

For the reasons mentioned in the application, the prayer made in the application is allowed. Accordingly, delay of 37 days in filing the present appeal is condoned.

The application stands disposed of.

C.M.8401/2019 (exemption)

Exemption is allowed subject to just exceptions.

Application stands disposed of.

FAO(OS) (COMM) 41/2019

The objections to the award dated 18.06.2018 rendered by the Arbitral Tribunal was challenged by filing an O.M.P.(COMM) 426/2018 under Section

34 of the Arbitration and Conciliation Act. Upon hearing the counsels, the enforcement of the award only to the extent of amount awarded under Claim 3 was stayed by the learned Single Judge vide impugned order dated 23.10.2018. Counsel for the appellant submits that the learned Single Judge has declined stay on the enforcement of the award as far as Claim No.1 or other amounts awarded in the impugned award are concerned.

Heard.

Reading of the impugned order dated 23.10.2018 gives an impression that only stay with respect to the Claim No.3 was pressed, which is also fairly admitted by the counsel appearing for the appellant. She submits that this was for the reason that she did not have record pertaining to the matters pending before the Supreme Court of India on the same issues, which would have an impact on the present case as well. Counsel for the appellant submits that she would make another application before the Single Judge in view of the change in the circumstances. While the appeal is dismissed, in case, an application is filed, it would be open for the learned Single Judge to consider the same in accordance with law unaffected by the observations made by us in this order.

G.S.SISTANI, J

JYOTI SINGH, J

FEBRUARY 22, 2019

rb /

FAO(OS) (COMM) 41/2019

page 2 of 2