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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 81/2019
CHANNEL VAS SERVICES INDIA PVT. LTD.

..... Petitioner
Through Mr.Sandeep Sethi, Sr. Adv. with
Mr.P. Srinivasan and Ms. Krathika
Sharma, Advs.

versus

BHARAT SANCHAR NIGAM LIMITED & ANR.

..... Respondents
Through Mr. Samar Agarwal, Adv for R-1.
Mr.Rajiv Nayyar, Sr.Adv. with Mr.
Neeraj Yadav and Mr. Saurabh Seth,
Advs. for R-2.

+ O.M.P.(I) (COMM.) 82/2019
CHANNEL VAS SERVICES INDIA PVT. LTD.

..... Petitioner
Through Mr.Sandeep Sethi, Sr. Adv. with
Mr.P. Srinivasan and Ms. Krathika
Sharma, Advs.

versus

BHARAT SANCHAR NIGAM LIMITED & ANR.

..... Respondents
Through Mr. Samar Agarwal, Adv for R-1.
Mr.Rajiv Nayyar, Sr.Adv. with Mr.
Neeraj Yadav and Mr. Saurabh Seth,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **24.04.2019**

I.A. Nos.4402/2019 & 4689/2019 in O.M.P.(I) (COMM.) 81/2019

I.A. No.4404/2019 in O.M.P.(I) (COMM.) 82/2019

1 Allowed, subject to just exception.

O.M.P.(I) (COMM.) Nos. 81/2019 & 82/2019

Page 1 of 3

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I.A. No.4401/2019 in O.M.P.(I) (COMM.) 81/2019

I.A. No.4403/2019 in O.M.P.(I) (COMM.) 82/2019

2 These are the applications filed by the applicant i.e. Yes Bank. These applications have been filed for vacating the order dated 18.03.2019 passed by this Court.

3 By virtue of order dated 18.03.2019, I had, *inter alia*, directed that the Yes Bank and Bharat Sanchar Nigam Ltd. ('BSNL') will maintain status quo *vis-à-vis* the subject Counter Bank Guarantees. This order has continued till today.

4 I have heard both Mr. Sandeep Sethi, learned senior counsel, instructed by Mr. P. Srinivasan and Mr. Rajiv Nayyar, learned senior counsel, instructed by Mr. Neeraj Yadav, at great length.

5 Mr. Sethi says that he will take recourse to an appropriate remedy within the next two days.

6 Mr. Nayyar says that the interim order dated 18.03.2019 should, automatically, dissolve after two days.

7 Mr. Sethi says that the petitioner i.e. Channel Vas Services India Pvt. Ltd. ("CVSP") would live with directions of like kind if issued by this Court.

8 Accordingly, the applications are disposed of with the direction that the order dated 18.03.2019 will be rendered inefficacious on 26.04.2019 at 04:30 PM.

CCP (O) No.16/2019 in O.M.P.(I) (COMM.) 81/2019

CCP (O) No.17/2019 in O.M.P.(I) (COMM.) 82/2019

9 Mr. Sethi says that he does not wish to press the captioned contempt petitions. The same are, accordingly, disposed of.

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O.M.P.(I) (COMM.) 81/2019

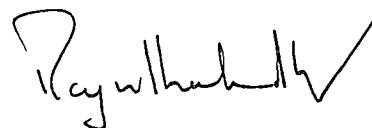
O.M.P.(I) (COMM.) 82/2019 & I.A. No.4691/2019

10 The only relief presently available in the captioned petitions is vis-a-vis BSNL, Mr.Sethi says that since an Arbitral Tribunal has been constituted, CVSP will move an appropriate application under Section 17 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act') in respect of the grievance raised in the captioned petitions qua BSNL. The captioned petitions are, accordingly, closed with liberty to CVSP to move the Arbitral Tribunal under Section 17 of the 1996 Act.

11 Since, I have not examined the matter on merits, parties will be at liberty to canvass their respective stand before the Arbitral Tribunal.

12 Consequently, the pending application shall also stand closed.

14 *Dasti* under the signatures of the Court Master.



RAJIV SHAKDHER, J

APRIL 24, 2019

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O.M.P.(I) (COMM.) Nos. 81/2019 & 82/2019

Page 3 of 3