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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 788/2019 & I.As. 16609-16610/2019**
SHREE CEMENT LIMITED

..... Petitioner

Through: Mr. Kumar Mihir, Adv.

versus

VEDANTA LIMITED

..... Respondent

Through: Mr. Prashanto Chandra Sen, Sr. Adv.
with Mr. Kaustubh Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.12.2019

I.A.16610/2019 (for delay)

This is an application filed by the petitioner seeking condonation of 43 days delay in re-filing the present petition.

For the reasons stated in the application, the delay of 43 days in re-filing the present petition is condoned.

Application stands disposed of.

ARB.P. 788/2019

On the last date of hearing this Court had passed the following order:

“A preliminary objection on the maintainability of the petition has been taken by Mr. Prashanto Chandra Sen, learned Sr. Counsel appearing for the respondent in view of the Judgment of the Supreme Court in Gujarat Urja Vikas Nigam Ltd. v. Essar Power Ltd. (2008) 4 SCC 755.

Learned counsel appearing for the petitioner seeks some time

to look in to the Judgment.

At his request adjourned to December 4, 2019. ”

Mr. Prashanto Chandra Sen, learned Senior Counsel appearing for the respondent reiterates his submission that appropriate for the petitioner is to approach the Central Commission constituted under Section 76 of the Electricity Act, 2003 for appointment of an Arbitrator.

On this submission of Mr. Prashanto Chandra Sen, learned counsel for the petitioner seeks permission to withdraw the present petition to enable the petitioner approach the Central Commission for appointment of an arbitrator.

The petition is dismissed as withdrawn.

I.A.16609/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

DECEMBER 04, 2019/aky