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

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Date of Order: 29.01.2019

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F.A.O.No.136/2018

DELHI TRANSPORT INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD Appellant

Through: Mr. Arun K. Sharma, Advocate.

Versus

PANKAJ & ORS

....Respondents

Through: Mr. Sunil Dutt Dixit & Ms. Neha Shukla,
Advocates.

**CORAM:
HON'BLE MR. JUSTICE VINOD GOEL**

C.M. No.4227/2019 (for exemption)

Allowed, subject to all just exceptions.

The application is disposed of.

C.M. No.14439/2018 (for delay)

For the justifiable reasons explained in the application, delay of
435 days in filing the appeal is condoned.

The application is disposed of accordingly.

**F.A.O. No.136/2018 & C.M. Nos.14441/2018, 4226/2019 (both for
stay)**

1. Learned counsel for the appellant states that the appellant has
filed a petition under Section 34 of the Arbitration & Conciliation Act,

1996 in this court. Subsequently, without the knowledge of the appellant, the petition was transferred to the district courts on change of pecuniary jurisdiction. By impugned order dated 05.10.2016, the petition of the appellant was dismissed by learned Additional District Judge-II, Central District, Delhi, (ADJ) without hearing the appellant.

2. At this stage, Mr. Dixit, learned counsel for the respondent states that he has no objection if the appeal is allowed and the petition under Section 34 of the Arbitration & Conciliation Act, 1996, filed by the appellant is disposed of on merits by Ld. ADJ after hearing both the parties. However, he submits that the trial court may be directed to decide the said objection petition within a reasonable time.

3. In the circumstances, the impugned order dated 05.10.2016 is set aside. The trial court is directed to dispose of the petition under Section 34 of the Arbitration & Conciliation Act, 1996 afresh after hearing both the parties, within a period of two months from the next date of hearing. The parties are directed to appear before the trial court on 04.02.2019.

4. The appeal along with applications, being C.M. Nos.14441/2018 and 4226/2019, is disposed of accordingly.

(VINOD GOEL)
JUDGE

JANUARY 29, 2019
‘AA’