

\$~17

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

+ **FAO(OS) (COMM) 367/2019**
M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Appellant

Through: Ms. Pinky Anand, ASG with
Mr. Kailash Panedy, Mr. Ranjeet
Singh & Mr. Sumit Teterwal,
Advocates

versus

M/S MEP HYDERABAD BANGLORE TOLL ROAD PVT LTD

..... Respondent

Through: Mr. Sachin Dutta, Sr. Advocate with
Mr. Ankit Kakkar & Mr. Sankalp
Brahma, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **08.01.2020**

FAO(OS) (COMM) 367/2019 & C.M. Appln. 54181/2019 (by the appellant seeking condonation of delay of 161 days in filing the appeal), C.M. Appln.54178/2019 (stay)

1. This order is in continuation of the order dated 06.01.2020, on which date, at the suggestion of Mr. Sachin Dutta, learned Senior Advocate appearing for the respondent, that the other side may be called upon to agree to the name of an Umpire that this Court may suggest, Ms. Pinky Anand, learned ASG had sought an adjournment. Today, she states on instructions that the appellant/NHAI is not agreeable to the said suggestion and would rather leave it to the ICDAR to nominate an Umpire, as per the Rules.

2. In view of the judgment dated 06.12.2019, passed by the Supreme Court in **Civil Appeal No.9244/2019** entitled as M/s. N. V. International v. The State of Assam & Ors., wherein it has been held that delay beyond 120 days is not liable to be condoned in an appeal preferred under Section 37 of the Arbitration and Conciliation Act, 1996, the appellant does not wish to press the present appeal, which is accordingly disposed of. As requested, liberty is granted to the appellant to take all the pleas that may be available to it before the learned Single Judge in OMP (I) (Comm.) 175/2019, which is listed on 15.01.2020.

3. The appeal is disposed of alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 08, 2020

S