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

+ **FAO(OS) (COMM) 18/2020**

NEW DELHI MUNICIPAL COUNCIL Appellant

Through: Mr. Sri Harsha Peechara, ASC for
NDMC and Ms. Kriti Sinha, Advocate.

versus

M/S SATISH CHAND RAJESH KUMAR PVT LTD Respondent

Through: Mr. Sanjay Bansal, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **21.01.2020**

1. The appellant/NDMC is aggrieved by an interim order dated 10.12.2019, passed by learned Single Judge in OMP (I) (COMM) 452/2019 filed by the respondent under Section 9 of the Arbitration & Conciliation Act, 1996 seeking an injunction against the appellant/NDMC from invocation of a Performance Bank Guarantee for a sum of Rs.1,22,70,032/- and Bank Guarantee for a sum of Rs.11,01,000/-, towards security deposit.
2. By the impugned order, while restraining the Bank from paying over the Bank Guarantees to the appellant/NDMC, the appellant/NDMC was directed to file a reply to the Section 9 petition. The matter is now listed on 29.1.2020. Having regard to the fact that the next date fixed before the learned Single Judge is less than a week down the line, we decline to entertain the present appeal.

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3. On enquiring from learned counsel for the appellant/NDMC as to whether a reply to the Section 9 has been filed so far, she submits that a reply has not been filed. Last opportunity of two days is granted to the appellant/NDMC to file a reply with a copy to the other side. Rejoinder shall be filed two days thereafter.
4. The date fixed before the learned Single Judge is maintained. It is made clear that neither side shall be accommodated for an adjournment on the said date on the ground that a reply/rejoinder has not been filed or the counsel is not ready with the arguments.
5. The appeal is disposed of.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 21, 2020

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