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

+ **CS(COMM) 227/2020 & I.A. No. 5228/2020**

M/S CONARCH ASSOCIATES THROUGH ITS PARTNER

.....Plaintiff

Through: Mr. S Ravi Shankar, Advocate.

versus

M/S IRCON INTERNATIONAL LTD

.....Defendant

Through: Mr. Manoj K Das with Mr. Deepak  
Kumar, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

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**20.08.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**I.A. No. 7136/2020**

1. This is an application filed on behalf of the applicant/defendant seeking condition of delay in filing I.A. No. 7135/2020.

1.1 It is averred that the period of delay involved is 18 days.

2. Issue notice to the non-applicant/plaintiff.

2.1 Mr. S Ravi Shankar accepts notice on behalf of the non-applicant/plaintiff. Mr. Shankar says that he does not wish to file a reply to the captioned application as he has no objection to the prayer made in the captioned application being allowed.

3. Accordingly, for the reasons given in the captioned application, the prayer made in prayer clause (a) of the captioned application is allowed. The delay is condoned.

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**I.A. No. 7135/2020**

4. This is an application moved on behalf of the applicant/defendant i.e. M/s Ircon International Ltd. under Sections 5 and 8 of the Arbitration and Conciliation Act, 1996.

4.1 Issue notice to the non-applicant/plaintiff.

4.2 Mr. Shankar accepts notice on behalf of the non-applicant/plaintiff.

5. Mr. Shankar says that he would have no objection to the disputes obtaining between the parties, in the instant suit, being referred to arbitration.

6. The non-applicant/plaintiff will be entitled to take recourse to the arbitration proceedings, *albeit*, in accordance with law.

7. Mr. Shankar says that two weeks' time be given to the non-applicant/plaintiff to trigger the arbitration proceedings and that, in the meanwhile, the interim order dated 08.07.2020 should continue to operate.

8. Accordingly, the interim order dated 08.07.2020 shall continue to operate for a period of two weeks to enable the non-applicant/plaintiff to trigger the arbitration proceedings. It is made clear that the said order will automatically dissolve on 03.09.2020.

9. Accordingly, the captioned application is disposed of in the aforesaid terms.

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10. In view of the order passed today in I.A. No. 7135/2020, the suit shall stand closed.

11. Having regard to the fact that the suit stands disposed of at a very early stage, the plaintiff, to my mind, was a good candidate for seeking refund of the court fees had it been deposited. Deposit of court fees was exempted *qua* the plaintiff due to COVID-19 prevailing in the city.

11.1 Thus, given what is noted hereinabove, the direction issued on 08.07.2020, for payment of court fees within five days of the lockdown *qua* this Court being lifted, is modified to that extent that plaintiff will not be required to deposit court fees.

12. The Registry will draw up a decree in the aforesaid terms.

13. The suit papers shall stand consigned to record.

**RAJIV SHAKDHER, J**

**AUGUST 20, 2020**  
**C/KK**

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*Click here to check corrigendum, if any*  
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