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

+ OMP (I)(COMM) 352/2019, IAs 14545/2019 & 1612/2020

M/S MANIKARAN POWER LTD., (MPL)

..... Petitioner

Through: Mr. Sunil K. Mittal, Adv.

Versus

M/S. DELHI METRO RAIL CORPORATION LTD., (DMRC)

..... Respondent

Through: Ms. Vibha Mahajan Seth, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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07.09.2020

This matter is being heard through Video Conferencing.

OMP (I)(COMM) 352/2019

1. The present petition has been filed with the following prayers:-

“In the premises stated above, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:-

i. Grant injunction/stay on the invoice in lieu of License fee raised by DMRC.

ii. Direct DMRC to extend the fitment period for at least 6 months so that the petitioner can complete with the required development which has already been delayed because of DMRC's failure to provide necessary deliverables.

iii. Direct DMRC to not restrain the petitioner from any utility facility.

iv. To direct the DMRC to complete the pending work as pointed out by the petitioner which is still pending.

v. Pass such further orders or directions as this Hon'ble Court deem fit, appropriate and proper in the facts and circumstances of the present case."

2. Pleadings are complete.

3. Mr. Sunil K. Mittal, learned counsel appearing for the petitioner would submit that an Arbitral Tribunal has since been constituted and in view of Section 9(3) of the Arbitration & Conciliation Act, 1996 ('Act', for short) appropriate shall be for the Tribunal to consider the prayers as made by the petitioner in this petition. In other words, he submits that the present petition be directed to be treated as an application under Section 17 of the Act for the Tribunal to consider and pass orders.

4. Ms. Vibha Mahajan Seth, learned counsel for the respondent has no objection on the submission made by Mr. Mittal. Accordingly, the petition is closed. This petition shall be treated as an application under Section 17 of the Act on behalf of the petitioner. It is also directed that the petitioner shall file the pleadings, which have been filed in this case for the consideration of the learned Arbitral Tribunal. I have been informed that the date of hearing before the learned Arbitral Tribunal is 14th September, 2020. If that be so, the record shall be filed within four days from today.

5. Parties shall appear before the learned Arbitral Tribunal on the date and time fixed.

6. Interim order to continue till 14th September, 2020 when the learned Arbitral Tribunal shall consider the extension / variation / vacation of the interim order as deem appropriate.

IAs 14545/2019 & 1612/2020

Dismissed as infructuous.

V. KAMESWAR RAO, J

SEPTEMBER 07, 2020/*ak*