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

+ **O.M.P. 824/2011**

INDIA TOURISM DEVELOPMENT
CORPORATION

..... Petitioner

Through: Mr.Karunesh Tandon, Advocate
versus

DEWAN CHAND

..... Respondent

Through: Ms. Palak Nenwani, Advocate

+ **O.M.P. 825/2011**

DEEWANCHAND

..... Petitioner

Through: Ms. Palak Nenwani, Advocate
versus

INDIA TOURISM DEVELOPMENT
CORPORATION

..... Respondent

Through: Mr.Karunesh Tandon, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.01.2020

I.A. 343/2020 (for Delay) & 344/2020 (Application on behalf of the Applicant/Petitioner under Order IX Rule 9 of the CPC, 1908) in O.M.P. 824/2011

I.A. 132/2020 (Application under Order IX Rule 9 of the CPC, 1908)& 133/2020 (for Delay) in O.M.P. 825/2011

1. O.M.P.824/2011 and O.M.P.825/2011 are cross-petitions under Section 34 of the Arbitration and Conciliation Act, 1996, seeking setting aside of an arbitral award dated 11.06.2011 between the parties. Both the

petitions were dismissed for non-prosecution by an order dated 20.01.2017. Both parties have therefore approached the Court for restoration of their petitions and condonation of delay in filing the restoration applications.

2. Issue notice of these applications. Notice is accepted by the counsel for non-applicants. By consent of the parties, the applications are taken up for disposal.

3. The case made out in both the restoration applications is that by reason of the enhancement of the pecuniary jurisdiction of the District Court, counsel expected that these petitions (in which the award amount is ₹50,17,000/-) would be transferred to the District Court. It is stated that, in accordance with practice of the Court, they were awaiting notice from the District Court to which the case had been transferred, and did not keep track of the matters in this Court.

4. Counsel for both the parties consent to the applications being allowed. In these circumstances, the applications are allowed. O.M.P.824/2011 and O.M.P.825/2011 are restored to the file of this Court in their original numbers.

O.M.P.824/2011 and O.M.P.825/2011

1. Counsel for both the parties state that these petitions are required to be transferred to the District Court on the grounds of pecuniary jurisdiction.

2. In view of the undisputed fact that the seat of arbitration was within the jurisdiction of the District Court, New Delhi District, these petitions are transferred to that Court. The matter will be placed before the learned District Judge, New Delhi District, Patiala House Courts, New Delhi on

10.02.2020, who may assign to them to an appropriate Court. No further notice need be served to the parties.

3. The Registry will take steps to transfer the records to the Court of the learned District Judge in the meantime.

PRATEEK JALAN, J

JANUARY 14, 2020/ j's