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

+ TR.P.(C.) 94/2022
BHARAT CONSTRUCTION CO LTD Petitioner
Through: Ms. Madhurim Tata, Adv.
versus

ENGINEERING PROJECT INDIA LTD Respondent
Through: None.

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+ TR.P.(C.) 95/2022
BHARAT CONSTRUCTION CO LTD Petitioner
Through: Ms. Madhurim Tata, Adv.
versus

ENGINEERING PROJECT INDIA LTD Respondent
Through: None.

% *Date of Decision: 19th October, 2022*

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL. 45367/2022 (EXEMPTION) in TR.P.(C.) 94/2022

CM APPL. 45368/2022 (EXEMPTION) in TR.P.(C.) 95/2022

Exemptions are allowed subject to all just exceptions.

TR.P.(C.) 94/2022 and TR.P.(C.) 95/2022

1. The present petitions have been moved for transfer of the arbitration Case No.122 of 2017 “Engineering Projects (India) Ltd. Vs. Bharat Construction Co. Ltd.” and transfer Case No.123 of 2017

“Engineering Projects (India) Ltd. Vs. Bharat Construction Co. Ltd.)”pending in the Court of learned ADJ, South East -01, Saket Court to the Court of the learned Principal Judge District & Sessions Judge, Patiala House Court, New Delhi.

2. Learned counsel for the petitioner submits that in the arbitration proceedings between the same parties, Dr. R. K. Yadav, Retired District Judge, Sole Arbitrator passed two awards. The petitioner filed arbitration cases bearing OMP No.18206/2017 and OMP 18207/2017 which are pending before the learned District Judge, Patiala House Court, New Delhi regarding past and *pendent lite* interest. Subsequently, the respondent filed the objections bearing Arbitration Case No. 122/2017 and 123/2017 qua the same award which is pending before the learned ADJ, South East -01, Saket Court, New Delhi.
3. Learned counsel for the petitioner submits that in fact before the learned ADJ, South East -01, Saket Court, New Delhi, both the parties had made a statement that they shall move an application for transfer of the petitions from South East District to New Delhi District.
4. Learned counsel for the petitioner further submits that the parties are common and the petitions pending in the South East District Court relate to the same Award for which petitions are also pending in New Delhi District. It has been submitted that therefore in order to avoid parallel proceedings and conflicting judgments, the petitions pending before the learned ADJ, South East -01, Saket Court, New Delhi be transferred to the Principal District and Sessions Judge, Patiala House

Court, New Delhi.

5. In view of the submissions made above, the arbitration Case No.122 of 2017 “Engineering Projects (India) Ltd. Vs. Bharat Construction Co. Ltd.)” and transfer Case No.123 of 2017 “Engineering Projects (India) Ltd. Vs. Bharat Construction Co. Ltd.)” pending in the Court of the learned ADJ, South East -01, Saket Court is withdrawn and assigned to the Court of the learned Principal Judge District & Sessions Judge, Patiala House Court, New Delhi for assigning it to the court of competent jurisdiction in New Delhi District.
6. The transferee Court is directed to send complete record to the transferor Court.
7. Parties are directed to appear before the learned Principal District & Sessions Judge, Patiala House Court, New Delhi on 28th October, 2022.
8. Copy of this order be sent to the Principal District & Sessions Judge, South East -01, Saket Court, New Delhi and the Principal District and Sessions Judge, Patiala House Court, New Delhi.
9. In view of the submission made, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 19, 2022

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