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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 49/2023**
NANDI INFRATECH PVT. LTD.Appellant
Through:

versus

R K BARARIA & ANR.Respondents
Through: **Mr. Sanjay Bansal, Advocate.**

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
20.08.2024

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CM APPL. 47640/2024

1. The respondent has filed the present application *inter alia* claiming that he is entitled to ₹1,78,03,630/- from the appellant and prays that the directions be issued for release of the said amount from the funds that have been deposited by the appellant.
2. The appellant had filed the above-captioned appeal impugning an order dated 19.12.2022, whereby the appellant's application to set aside the arbitral award dated 07.05.2021 was rejected. He states that in terms of the orders passed by this Court, the appellant had deposited certain amounts with the Registry of this Court as well as before the Court of Ld. District Judge (Comm.) – 02 Patiala House Courts in the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 (hereafter *A&C Act*) in O.M.P.(Comm.) 85/2021.
3. The applicant has already filed an application under Section 36 of the A&C Act seeking to enforce the arbitral award dated 07.05.2024 and the



same is pending before the learned Commercial Court.

4. In view of the above, we clarify that the amounts deposited by the appellant before this Court in the above captioned appeal as well as before the learned Commercial Court in the proceedings under Section 34 of the A&C Act [O.M.P. (Comm) – 85/2021] shall abide by the orders passed by the learned Commercial Court *in sesin* of the application for the enforcement of the award under Section 36 of the A&C Act, 1996.

5. The present application is disposed of in the above terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

AUGUST 20, 2024

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