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IN THE HIGH COURT OF DELHI AT NEW DELHI

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EFA(COMM) 3/2024 CM APPL. 33379/2024

IRRIGATION AND FLOOD CONTROL DEPARTMENT,

GOVT. OF NCT OF DELHI

..... APPELLANT

Through: Mr. Nipun Katyal, Ms. Aman Siddiqui, Mr. Archit Jain and Mr. Dhananjai Shekhawat, Advs.

versus

INTEGRATED TECHNO SYSTEMS PVT. LTD..... RESPONDENT

Through: Mr. Ashok Kumar Nagrath, Ms. Rukhsar Jahan, Mr. Pradosh Bugta and Ms. Gracious Timothy Dunna, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

29.05.2024

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1. The appellant has filed the present appeal impugning an order dated 01.05.2024 passed by learned Commercial Court in Execution (Comm.) 12/2024 captioned *Integrated Techno Systems Pvt. Ltd. v. Irrigation and Flood Control Department*. The said proceedings have been initiated by the respondent for enforcement of an arbitral award dated 31.08.2023. The appellant has preferred an application under Section 34 of the Arbitration and Conciliation Act, 1996 seeking to set aside the said award which is stated to be pending. Admittedly, the said award has not been stayed and therefore the learned Commercial Court is proceeding to enforce the same under Section 36 of the Arbitration and Conciliation Act, 1996.
2. The appellant is essentially aggrieved by the directions for issue of warrants of attachment against the appellant for recovery of the awarded amount.
3. The learned counsel for the appellant submits that the appellant is willing to deposit the awarded amount with the learned Commercial Court within a period of



six weeks from date, which is the necessary time required for completing the formalities for the said purpose.

4. The learned Counsel for the respondent has raised a preliminary objection regarding maintainability of the present appeal. He submits that the present appeal is not maintainable in terms of Section 13(1A) of the Commercial Courts Act, 2015.

5. At this stage, the learned counsel for the appellant states that he will move an appropriate application before the learned Commercial Court in the enforcement proceedings [Execution (Comm.) 12/2024] and/or in the proceedings initiated under Section 34 of the Arbitration and Conciliation Act, 1996 impugning the arbitral award with the aforesaid request.

6. The appeal and pending application are accordingly disposed of.

7. It is clarified that all rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 29, 2024/r

Click here to check corrigendum, if any