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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 154/2024, CM APPL. 44818/2024-Exp, CM APPL. 44819/2024-Delay 27 days in filing appeal, FAO (COMM) 154/2024**

MS INDIA OFFSET PRESS THROUGH PARTNER

.....Appellant

Through: Mr. Swetank Shantanu, Mr. Gautam Mishra and Mr. Abijeet Kumar, Advocates

versus

CENTRAL POLLUTION CONTROL BOARDRespondent

Through: Mr. Tahir Ashraf Siddiqui and Mr. Aditya Kumar, Advocates

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.10.2024

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1. The present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 seeks to assail the order dated 05.03.2024 passed by the learned District Judge (Commercial Court)-02, North-West, Rohini Courts, New Delhi.

2. Vide the impugned order, the petition preferred by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996, assailing the arbitral award dated 16.01.2023 has been returned for want of territorial jurisdiction.

3. After some arguments, learned counsel for the appellant submits that taking into account that the respondent has already filed another



petition under Section 34 of the Act assailing the same award dated 16.01.2023 before the learned District Judge (Commercial Court), Patiala House Court, New Delhi, he may be granted leave to withdraw the present appeal and also granted two weeks time to present the petition which was returned under the impugned order before the competent Court i.e., Patiala House Court, New Delhi.

4. Learned counsel for the respondent who appears on advance notice has no objection to this request.

5. The appeal, alongwith the pending applications, is accordingly disposed of as not pressed, by granting the appellant two weeks time to present the petition as returned under the impugned order, before the competent Court i.e., Patiala House Court, New Delhi making it clear that the said petition as and when filed by the appellant will be considered on its own merits.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 1, 2024/akr