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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 168/2024 & CM. 45130/2024,**
CM. 45131/2024 & CM. 45132/2024

**DELHI TOURISM AND TRANSPORTATION
DEVELOPMENT CORPORATION**

.....Appellant

Through: Mr Suresh Tripathy and Ms Puja
Dewan, Advs. along with Mr Ram
Niwas, Deputy Manager Legal

versus

M/S SATINDER MAHAJAN

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
04.09.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the judgment and order dated 01.05.2024 passed by the learned Single Judge in O.M.P. (COMM) 337/2021.
2. Via the impugned judgment, the learned Single Judge rejected the petition filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 [in short "1996 Act"] on the ground of absence of jurisdiction.
3. Evidently, during the pendency of the petition under Section 34 of the 1996 Act, the appellant had deposited money in the Court *qua* which the following directions have been issued by the learned Single Judge:

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“26. The amount deposited by the petitioner, in terms of the order dated 11.11.2021, will be released to the petitioner, upon the petitioner furnishing proof to the Registry that it has filed a petition, under Section 34 of the Arbitration Act, in any other Court, so that it can deposit the said amount before that Court. In the event no such application is filed within three months from today, the parties will be at liberty to make an application in these proceedings for appropriate directions with regard to the deposited amount.”

4. After some arguments, learned counsel for the appellant seeks leave to withdraw the appeal.
5. Counsel for the appellant says that he would approach the concerned Court with a petition under Section 34 of the 1996 Act, within the next ten (10) days and meanwhile, the respondent should not be permitted to trigger the directions contained in paragraph 26.
6. On being queried, counsel for the appellant candidly states that no such application has been filed by the respondent seeking release of the money deposited with the Registry of this Court.
7. In case an application is filed by the respondent to trigger directions contained in paragraph 26 before the appropriate Court, the concerned bench will take into account the appellant's plea that it intends to approach the appropriate Court with a petition under Section 34 of the Act of 1996.
8. The appeal is dismissed as withdrawn.
9. Pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 4, 2024/ds

[Click here to check corrigendum, if any](#)