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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3350/2024 & CM APPL. 51971-51972/2024**

VINEET DAWER

.....Petitioner

Through: Mr. Anil Goel, Advocate (Through
VC) with Mr. Aditya Goel and Ms.
Pranjal Sharma, Advocates

versus

KAUTEN KRAFT & ORS.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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06.09.2024

CM APPL. 51972/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3350/2024 & CM APPL. 51971/2024

1. Present petition has been filed by the claimant who has award in his favour.
2. Award was passed on 17.04.2023 whereby claimant has been held entitled to a sum of Rs. 33,35,620.45.
3. According to learned counsel for claimant, a petition under Section 34 of Arbitration and Conciliation Act has been filed beyond the prescribed limitation period.
4. Moreover, as per proviso attached to Section 36 (3) of Arbitration and Conciliation Act, the Court, while granting any stay in case of an arbitral award for payment of money, needs to give due regard to the provisions for

CM(M) 3350/2024

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grant of stay of a money decree under the provisions of Code of Civil Procedure.

5. It is submitted that the petitioner herein has already filed proper reply not only to the Objection Petition but also to the application seeking stay and the learned Trial Court has summoned the arbitral record, while also directing the interim order to continue.

6. Next date before the learned Trial Court is stated to be 25.09.2024.

7. It is quite evident that perhaps learned Trial Court wanted to form some opinion in this regard only after going through the arbitral record.

8. Be that as it may, after hearing arguments for some time, Mr. Goel states that he would not press this petition as the next date is approaching fast and would reiterate his request in this regard before the learned District Judge (Commercial Court)-13.

9. Petition is accordingly disposed of as not pressed.

10. It is expected that learned Trial Court would hear the aforesaid aspect related to said provision contained in proviso attached to Section 36 (3) of Arbitration and Conciliation Act and related precedents, and thereafter would take appropriate decision qua order of stay.

11. Petition stands disposed of accordingly.

12. Needless to say, petitioner would be at liberty to file petition afresh if situation so warrants.

MANOJ JAIN, J

SEPTEMBER 6, 2024/dr



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