



\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EFA(OS) (COMM) 17/2024, CM APPL. 63463/2024-Addl. submissions and documents, CM APPL. 63464/2024-Stay, CM APPL. 63465/2024-Exp, CM APPL. 63466/2024-Delay 84 in refilling

CEMENT CORPORATION OF INDIA LTDAppellant

Through: Mr. Atul Shanker, Mr. Prabal Mehrotra and Mr. Umang Katariya, Advocates

versus

STEEL AUTHORITY OF INDIA LTDRespondent

Through: Mr. S. Goyal, Advocate

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.10.2024

%

1. The present appeal under Section 13 of the Commercial Courts Act, 2015 read with Section 10 of the Delhi High Court Act, 1966 seeks to assail the impugned order dated 09.04.2024 passed by the learned Single Judge in OMP (ENF.) (COMM) No. 173/2023.
2. Vide the impugned order, the learned Single Judge has rejected the objections filed by the appellant award debtor.
3. At the very outset, learned counsel for the respondent, appearing on advance notice placing reliance upon the decision of a Co-ordinate Bench in case titled ***“H. P. Cotton Textile Mills Ltd. Vs. Oriental Insurance***



Company Limited” in EFA(OS) (COMM) No. 15/2018 dated 23.01.2023, submits that the present appeal is not maintainable under Section 13 of the Commercial Courts Act, 2015.

4. As such, faced with this situation, learned counsel for the appellant seeks leave to withdraw the present appeal with liberty to take appropriate steps as per law.

5. The appeal alongwith accompanying applications, is dismissed as not pressed leaving it open for the appellant to avail appropriate remedy as per law. We further mate it clear that we have not expressed any opinion on the claims raised in the appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 25, 2024/akr