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

+ **FAO(OS) (COMM) 270/2024, CM APPL. 67951/2024-Exp, CM APPL. 67952/2024-Stay**

RASHTRIYA ISPAT NIGAM LIMITED

.....Appellant

Through: Mr. Rajshekhar Rao, Sr. Adv. with
Ms. Mitali Chauhan, Ms Aashna
Chawla and Mr. Zahid Laiq Ahmed,
Advs. with Mr. K. Sreenivasa Rao,
Deputy General Manager,
Visakhapatnam.

versus

TATA INTERNATIONAL SINGAPORE PTE. LIMITED

.....Respondent

Through: Mr. Gaurav Pachnanda, Sr. Adv. with
Ms Ruby Singh Ahuja, Ms. Simran
Jeet, Ms. Varsha Himatsingka and Ms
Nikita Jaitely, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.11.2024

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1. The present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (the Act) seeks to assail the order dated 06.11.2024 passed by the learned Single Judge in O.M.P.(I) (COMM.) 228/2024. Vide the impugned order, the learned Single Judge while dealing with a modification application filed by the



appellant not only revived the petition preferred by the respondent under Section 9 of the Act on account of the appellant's failure to abide by their undertaking as recorded on 31.07.2024, but has further directed the attachment of 'Hot Metal' manufactured by the appellant at their plant at Vishakhapatnam to the tune of Rs.809 crores with a further direction that if the said 'Hot Metal' worth Rs. 809 crores is not available, the entire production of the said amount would stand attached as and when produced.

2. After some arguments, taking into account the reservations expressed by this Bench regarding the very maintainability of the appeal against such an order, the learned Senior Counsel for the appellant on instructions, submits that since the appellant has never tried to shirk from it's liability to pay the admitted amount to the respondent and has only sought further time to make the payment in terms of the undertaking dated 07.08.2024 read with order dated 31.07.2024, the appellant instead of pressing the present appeal seek liberty to approach the learned Single Judge by way of a modification application with a prayer for grant of time to pay the amount undertaken by it on 31.07.2024 in instalments to the respondent or to submit any further proposal, as may be deemed appropriate, on fresh terms for consideration by the learned Single Judge.
3. In the light of this stand taken by the appellant, we permit the appellant to withdraw the appeal and to move the said application in the above terms. Needless to submit that in case such an application is moved by the appellant, the same will be considered by the learned Single by taking into account the entire



factual matrix as emerging from the record.

4. We, however, make it clear that we have not expressed any opinion on the merits of the impugned order and this order would therefore not come in the way of the learned Single Judge to issue any further directions as may be deemed appropriate.
5. The appeal alongwith pending applications is accordingly dismissed as withdrawn with liberty as prayed for.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 21, 2024

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