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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2118/2014 & I.A. 172/2018**
HEXA TRADEX LIMITEDPlaintiff

Through: Mr. Nilava Bandyopadhyay and Ms.
Ankita Sinha, Advs.

versus

FORCE SHIPPING LINE CO & ANRDefendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
18.10.2024

1. The learned counsel appearing on behalf of the plaintiff submits that there are three defendants in the present matter. The defendant nos. 2 and 3 were proceeded against *ex parte vide* order dated 14.08.2014 whereas the learned counsel for the defendant no. 1 had sought discharge and there has been no appearance on behalf of the defendant no. 1 since 13.02.2024.
2. The learned counsel appearing on behalf of the plaintiff submits that he has instructions to withdraw the present suit with liberty to revive the same in case the defendant no. 1 seeks to enforce the final awards dated 29.03.2016 and 09.07.2017 passed by the learned Arbitrator.
3. He submits that in view of the law laid down by Hon'ble Supreme Court in *Government of India vs. Vedanta Ltd. & Ors. (2020) 10 SCC 1* the award has become unenforceable in law since a period of three years has



elapsed from the date of the award.

4. In view of the above, the plaintiff is allowed to withdraw the suit with liberty to revive the same in case the defendant no. 1 seeks to enforce the aforesaid final awards dated 29.03.2016 and 09.07.2017.

5. The suit stands disposed of in the above terms.

VIKAS MAHAJAN, J

OCTOBER 18, 2024
N.S. ASWAL