



\$~36

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

+ **FAO(OS) (COMM) 99/2025**

UNITED CONSTRUCTIONS

.....Appellant

Through: Mr. M Tarique Siddiqui, Mr. Abhishek K Tanwar, Mr. Mohd Bilal, Mr. Fajallu Rehman, Mr. Anirudh Sharma, Mrs. Lakshmi, Advocates

versus

DTE GEN MD ACCOMMODATION PROJECTRespondent

Through: Ms. Shiva Lakshmi (CGSC) with Mr. Govind Sharma, Mr. Madhav Bajaj, Ms. Katyayani, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **30.05.2025**

CM APPL. 35813/2025 (Exemption)

Allowed, subject to all just exception(s).

FAO(OS) (COMM) 99/2025

1. The present appeal has been filed by the Appellant under Section 37(1)(B) of the Arbitration and Conciliation Act, 1996 read with Section 13(1A) of the Commercial Courts Act, 2015 for setting aside the impugned Orders dated 28.03.2025 and 02.05.2025 passed by the Ld. Single Judge in OMP(I)(COMM) 340/2024.
2. It is stated that in the Impugned Order, the Ld. Single Judge primarily refuses to entertain the application filed under Section 9 of the Arbitration and Conciliation Act, 1996 stating that the reliefs claimed under the said



application does not fall within the ambit of the application filed under Section 9 of the Arbitration and Conciliation Act, 1996. The Ld. Single Judge also made an observation that he does not find any infirmity with the observation made by the Ld. Sole Arbitrator. The Ld. Single Judge held that the parties have already filed their documents and they had sufficient opportunity to produce these documents. Learned Counsel for the Appellant states that the said observations directly impede the remedy of the Appellant in pursuing its petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 challenging an Order refusing to entertain the documents.

3. It is clarified that the observations made in paragraph No.6 of the impugned Order dated 28.03.2025 has been made only in the context of maintainability of the petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 and not on the petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 as to whether the additional documents are necessary or not.

4. With these observations, the Appeal stands disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 30, 2025

RJ