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

+ **FAO(OS) (COMM) 277/2024, CM APPL. 70314/2024 (Stay)
& CM APPL. 70316/2024 (Delay of 27 days in filing the
appeal)**

**M/S LALJI SUPER SPECIALITY HOSPITAL AND
RESEARCH CENTRE GORAKHPUR PVT LTD.**

.....Appellant

Through: Mr. Varun Shankar, Adv.

versus

M/S ENARCH CONSULTANTS PVT LTDRespondent

Through: Mr. Sonal Kumar Singh, Mr.
Yashvardhan Singh Gohil &
Ms. Dimple Khaturia, Advs.
Mr. Anubhav Gupta, Panel
Counsel (Civil), GNCTD

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ORDER

03.12.2025

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1. The present Appeal has been filed under Section 37 of the Arbitration & Conciliation Act, 1996 [“**Act**”] read with Section 151 of the Civil Procedure Code, 1908, and Section 10 of The Delhi High Court Act read with Section 13 of the Commercial Court Act, 2015, assailing the Order dated 08.08.2024 [“**Impugned Order**”] passed by the learned Single Judge of this Court in OMP (COMM) 190/2023. By way of the Impugned Order, the learned Single Judge has held that the Appellant’s objections under Section 34 of the Act cannot be heard until the Appellant deposits the decretal amount.

2. Learned counsel appearing for the Respondent submits that the



present appeal is not maintainable, as the petition filed under Section 34 of the Act is still pending consideration.

3. However, a perusal of the Impugned Order makes it evident that the learned Single Judge has refused to hear the application under Section 34 of the Act on the ground that the Appellant has allegedly failed to comply with the Order passed by the Executing Court on 27.02.2024, directing the Appellant to deposit the decretal amount.

4. The refusal of the learned Single Judge to hear the matter amounts to a rejection of the application under Section 34 of the Act against which an appeal is maintainable under Section 37 of the Act. Moreover, such an order is neither envisaged under Section 34 of the Act, nor is it called for.

5. Objections filed under Section 34 of the Act are required to be decided by the Court.

6. Failure to deposit the amount in the execution petition cannot constitute a ground to refuse the hearing of the petition under Section 34 of the Act.

7. In view of the above, the Impugned Order is set aside. The learned Single Judge is requested to proceed to hear and decide the petition filed under Section 34 of the Act on its merits and in accordance with law.

8. The present appeal, alongwith all pending application(s), if any, is disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 03, 2025/ v/her