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

+ **O.M.P.(I) (COMM.) 242/2022 & I.A. 12663/2022**

DEEP ENERGY RESOURCES LTD

.....Petitioner

Through: Mr. Shubham Kulshrestha and Mr. Satya Rath, Advocates
Ms. Mrityunjai Singh, Mr. Harshit S. Gahlot and Ms Vidushi Gupta for Respondent No.1 & 2, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Mrityunjai Singh, Mr. Harshit S. Gahlot and Mr. Vidushi Gupta, Advocates for Respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.02.2026

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1. The present petition has been filed by the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996.
2. The first Order was passed on 08.08.2022. The same is being reproduced and reads as under:-

“1. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996.

2. By way of the present petition, the petitioner is seeking prayers to restrain the respondent No.2 from taking any coercive actions in relation to the Termination Notice dated 06.12.2021.

3. The petitioner/consortium was awarded tender for carrying out Exploration of Oil and Petroleum within time bound manner, under the 7th New Exploration



License Policy. A product sharing contract dated 22.12.2008 was signed between the petitioner and respondent No.1, wherein the petitioner was allocated a Block for an area measuring 789 sq. metres in Tehsil Bharatpur, District Koriya, Chhattisgarh for carrying out the oil exploration activities. It is submitted on behalf of the petitioner that in order to carry out the oil exploration activities, a Petroleum Exploration License was required to be obtained from respective State Government where the allotted Block was located.

4. It is submitted on behalf of the petitioner that part of the area of the Block which was awarded to the petitioner fell within the boundary of a National Park in Chhattisgarh. However, the requisite clearances from the Ministry of Environment and Forest, Government of India did not fructify. Further, the respondent No.1 had introduced a policy in the year 2014 as per which if an allocated contract area falls in a National Park/Sanctuary etc., then the same will be subject to reduction from the entire contract area so allocated. Since the petitioner was denied the benefit of the said 2014 policy, the petitioner had approached Gujarat High Court by way of Special Civil Application No. 4738/2022.

5. Attention of this Court has been drawn to the order passed by the Gujarat High Court dated 14.07.2022. By the said order, the Gujarat High Court permitted the petitioner herein to file a fresh application/representation seeking benefit under the Exit Policy. The said order of the Gujarat High Court categorically records a statement on behalf of the learned Additional Solicitor General appearing before the Gujarat High Court upon instructions that as and when application pertaining to the Exit Policy dated 10.11.2014 is filed by the petitioner, the same will be appropriately dealt with in accordance with law after giving opportunity of hearing to the petitioner. Thus,



the Gujarat High Court directed to maintain status quo for a period of four weeks from the date of its order, i.e., from 14.07.2022.

6. Learned senior counsel appearing for the petitioner submits that pursuant to the aforesaid order passed by the Gujarat High Court, a letter dated 25.07.2022 has been submitted by the petitioner to the respondents wherein they have expressed their intention to seek exit, thereby seeking benefit under the Exit Policy of the respondents. Thus, it is contended on behalf of the petitioner that termination notice dated 06.12.2021, has been issued to block the exit of the petitioner, which the petitioner is entitled to in law.

7. Issue notice.

8. Notice is accepted by learned counsel for the respondents.

9. Reply be filed within three weeks. Rejoinder thereto, if any, be filed within one week thereafter.

10. This Court notes that the order dated 14.07.2022 passed by the Hon'ble Gujarat High Court is still subsisting, as I am informed that no appeal against the said order has been filed. Therefore, the respondents are bound by their statement that was made before the Hon'ble Gujarat High Court as recorded in the order dated 14.07.2022.

11. In view of the aforesaid, the respondents are directed to decide the application dated 25.07.2022 submitted by the petitioner, seeking benefit under the Exit Policy.

12. Mr. Chetan Sharma, Learned ASG appearing for the respondents submits that the said letter dated 25.07.2022 has been received by the respondents only on 02.08.2022. He submits on instructions that



respondents would decide the application dated 25.07.2022 submitted by the petitioner within a period of 15 days. He further submits that till the time they decide the application submitted by the petitioner, they will not take any precipitative action against the petitioner.

13. Re-notify the matter on 19.09.2022.”

3. The previous Orders indicate that the matter has been adjourned on various occasions and the parties have failed to arrive at a settlement.
4. Section 9 (2) of the Arbitration and Conciliation Act, 1996 mandates the constitution of an Arbitral Tribunal within a period of three months from the date of grant of interim protection granted by the Court.
5. It is stated that the parties have appointed their Nominee Arbitrators, however, the Nominee Arbitrators have not appointed the Presiding Arbitrator.
6. This Court is of the opinion that it is pertinent to expedite the constitution of the Tribunal and therefore directs the Nominee Arbitrators to appoint the Presiding Arbitrator. The present Petition under Section 9 to be treated as one under Section 17, for the Tribunal to adjudicate the matter as expeditiously as possible.
7. The interim directions passed on 08.08.2022 will remain in effect till the Tribunal takes a decision on the said disputes between the parties.
8. In view of the above, the present petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 4, 2026/Prateek