

(2017) 09 DEL CK 0001

In the Delhi High Court

Case No : 49 of 2017 and CM APPL 20807

NEXT GENERATION CABLE COMMUNICATION & ANR

APPELLANT

Vs

SANJHI EXIM PVT LTD

RESPONDENT

Date of Decision : 01-09-2017

Acts Referred:

[Arbitration and Conciliation Act, 1996](#), [Section 34](#) - Application for setting aside arbitral award

Citation : (2017) 09 DEL CK 0001

Hon'ble Judges : Hima Kohli, Deepa Sharma

Bench : DIVISION BENCH

Advocate : Kirti Uppal, Rahul Kumar, Hemant Uppal

Final Decision : Disposed off

Judgement

1. The appellants are aggrieved by the order dated 17.01.2017, passed by the learned Single Judge, dismissing their application for condonation of delay of 47 days in re-filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996.

2. On the last date of hearing, learned counsel for the appellants had stated that aggrieved by an order dated 27.04.2017, passed in the present proceedings whereunder, to demonstrate their bonafides, the appellants were directed to deposit the principal amount, subject matter of the Award dated 21.03.2015, to the tune of Rs.1,40,26,506/-, in four instalments, commencing at the end of four weeks reckoned from 27.04.2017, and ending on 31.8.2017. Aggrieved by the said order, the appellants had filed an appeal before the Supreme Court, which we are informed today, was dismissed in limine in the first week of July, 2017.

3. The Mediation Centre has also submitted a report that the mediation proceedings had ended in a non-settlement. Counsel for the respondent states that though the parties were directed to appear before the Delhi High Court Mediation and Conciliation Centre, in terms of the order dated 27.04.2017, none

of the officers of the appellants had turned up before the learned Mediator and instead, only their counsel chose to appear and that too, without obtaining any instructions.

4. Mr. Kirti Uppal, learned Senior Advocate appearing for the appellants states on instructions that the appellants do not wish to press the present appeal on merits. Instead, they reserve their right to seek their remedies in the pending execution petition filed by the respondent, which is listed before the learned Single Judge on 18.09.2017.

5. It is made clear that if the appellants do not appear before the learned Single Judge on 18.9.2017, then the Court shall proceed further with the matter, as may be deemed appropriate, without awaiting their presence.

6. The appeal is disposed of alongwith the pending application.