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

+ O.M.P.(I) (COMM.) 18/2023 & I.A. 7085/2023, 7086/2023

SADBHAV ENGINEERING LIMITED

..... Petitioner

Through: Mr. Arvind Nigam, Sr. Adv. with Ms. Priya Pachouri, Mr. Rajreeta Ghosh and Mr. Rahul Kumar, Advs.

versus

JHARKHAND ROAD PROJECTS IMPLEMENTATION

COMPANY LTD & ORS.

..... Respondents

Through: Mr. Ramji Srinivasan, Sr. Adv. with Mr. Kaushik Laik, Mr. Ashay Kaushik and Mr. Shashank Tiwari, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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12.12.2023

1. The present petition under Section 9 of the Arbitration and Conciliation Act (“**Act**”) was filed after the award was passed on 06th August, 2023 (“**Award**”), but prior to Petitioner filing an application under Section 36 of the Act.

2. The Court is informed that no interim order operates in the present petition as of date, and the Award is presently being enforced under Section 36 of the Act before the Commercial Court of Ranchi. In the opinion of the Court, since the Petitioner/Decree Holder has taken recourse to the provisions under Section 36 for enforcement of the award as a decree of the court, the interim relief of the nature sought in the present petition should be



pressed in the said enforcement petition.

3. It is clarified that this Court has not expressed any opinion on the relief sought. All rights and contentions of the parties are left open. The Petitioner shall be free to urge the relief sought in the present petition before the executing Court in accordance with law.

4. It is further made clear that the issue of enforceability of the award would now be examined by the executing Bench, if and when raised.

5. With the above clarification, the petition is disposed of.

SANJEEV NARULA, J

DECEMBER 12, 2023

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