

ITEM NO.34

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.7251/2020

(Arising out of impugned final judgment and order dated 15-01-2020 in FAO(OS)(COMM) No. 98/2019 passed by the High Court of Delhi at New Delhi)

M/S EARTHCON CONSTRUCTIONS PVT. LTD

Petitioner(s)

VERSUS

M/S MAHAMAYA INFRABUILD PVT. LTD

Respondent(s)

(IA No. 51614/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s)

Dr. Farrukh Khan, Adv.  
Mr. Amique Khalid, Adv.  
Mr. Shahid Khan, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Mr. Amarjeet Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. We have heard learned counsel for the parties.
2. Concededly, the award in this case was a consent award; the petitioner unsuccessfully challenged it under Section 34 of the proceeding. Aggrieved by the order rejecting the said Section 34 application, the petitioner preferred an appeal under Section 37 of the Arbitration and Conciliation Act, 1996. That appeal was entertained, conditionally, and when petitioner was directed to deposit Rs.12.2 Crores to exhibit its *bona fides* since it sought conveyance of the property in question. The petitioner is aggrieved

by the imposition of the condition.

3. After hearing learned counsel for the parties, this Court is of the considered opinion that in the interest of justice, the condition should not be enforced for a period of one month. The Executing Court is directed to complete the proceedings pending before it within that one month.

4. The Special Leave Petition is disposed of in above-terms.

5. Pending application also stands disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)  
COURT MASTER (NSH)