

# Dlf Ltd vs Leighton India Contractors Private ... on 8 July, 2020

**Author: Rajiv Sahai Endlaw**

**Bench: Rajiv Sahai Endlaw, Asha Menon**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ FAO(OS) (COMM) 63/2020 & CM No.11090/2020 (for stay)

DLF LTD.

..... Appellant

Through: Mr. Rajiv Nayar & Mr. Randeep Rai,  
Sr. Advs. with Mr. Kartik Nayar, Ms.  
Meghna Mishra, Ms. Simran Brar, Mr.  
Saurabh Seth, Mr. Varun Kumar, Mr.  
Ankit Rajgarhia, Ms. Deveshi Mishra,  
Mr. Apoorva Neral & Mr. Tarun  
Sharma, Advs.

Versus

LEIGHTON INDIA CONTRACTORS

PRIVATE LTD. & ANR

..... Respondents

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr.  
Krishnendu Datta and Mr. Manish  
Srivastava, Advs. for R-1.  
Mr. Nitin Soni & Mr. Deepjyot Singh,  
Advs. for R-2 Axis Bank Ltd.

AND

FAO(OS) (COMM) 64/2020 & CM No.11223/2020 (for filing  
additional documents)

LEIGHTON INDIA CONTRACTORS PRIVATE LTD..... Appellant

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr.  
Krishnendu Datta and Mr. Manish  
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Saurabh Seth, Mr. Varun Kumar, Mr.  
Ankit Rajgarhia, Ms. Deveshi Mishra,  
Mr. Apoorva Neral & Mr. Tarun  
Sharma, Advs. for R-1.  
Mr. Nitin Soni & Mr. Deepjyot Singh,  
Advs. for R-2 Axis Bank Ltd.

FAO(OS) (COMM) Nos.63/2020 & 64/2020

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CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 08.07.2020

1. Though the appeals are listed today for hearing but while reading the files today morning, it was realized that the order dated 13th May, 2020 impugned in these appeals is not the final order on the petition under Section 9 of the Arbitration & Conciliation Act, 1996 filed by Leighton India Contractors Private Ltd. against DLF Ltd. but in the nature of an ad-interim order and the Single Judge, after passing the said order running into 23 pages, has adjourned the proceedings for filing of replies and rejoinders and posted the matter for hearing on 17th August, 2020.

2. This being only an ad-interim order, we have put it to the senior counsels for the parties, whether not the process, of our deciding the appeals and thereafter the Single Judge dealing with the petition under Section 9 of the Act and appeals being preferred thereagainst, be avoided and either the matter be heard by the Single Judge finally or the counsels make a statement that the petition under Section 9 of the Act be treated as disposed of in terms of the impugned order and the present appeals be considered as appeals against the final order on the Section 9 petition.

3. The senior counsel for Leighton India Contractors Private Ltd. states that the direction of the Single Judge in the impugned order has been suspended due to the pendency of the appeals and owing whereto Leighton India Contractors Private Ltd. is suffering; else, it is stated that the petition under Section 9 be treated as disposed of in terms of the impugned order.

4. Though the senior counsel for DLF Ltd. also is agreeable to the petition under Section 9 of the Act being treated as disposed of in terms of the impugned order but contends that DLF Ltd. has not had an opportunity to file a reply to the Section 9 petition as yet.

5. The senior counsel for Leighton India Contractors Private Ltd. states that the Single Judge had granted four weeks time for filing reply and which is long since over and the reply has not been filed and the matter be heard on the basis of documents on record.

6. To avoid any technicalities, it is deemed appropriate to grant an opportunity to DLF Ltd. to file reply.

7. Reply be filed on or before 18th July, 2020.

8. Rejoinder if any before 31st July, 2020.

9. It is however made clear that Section 9 petition from which these appeals arise is treated as disposed of in terms of the impugned order dated 13th May, 2020.

10. List on 4th August, 2020.

11. Interim arrangement to continue.

RAJIV SAHAI ENDLAW, J ASHA MENON, J JULY 08, 2020 'gsr'