

Kawaljit Singh & Ors vs Malhan Construction Pvt. Ltd on 21 March, 2018

Author: Navin Chawla

Bench: Navin Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ O.M.P. (COMM) 77/2018 & IAs 2376/2018, 2378/2018
KAWALJIT SINGH & ORS. Petitioners
Through: Mr.Kirti Uppal, Sr. Adv. with
Mr.Sidharth Chopra & Mr.Mohit
Bhandari, Advs.

versus

MALHAN CONSTRUCTION PVT. LTD Respondent
Through: Mr.Sachin Dutta, Sr. Adv. with
Mr.S.K. Tandon, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER

% 21.03.2018 O.M.P. (COMM) 77/2018 & IA No. 2376/2018 Issue notice. Notice is accepted by Mr.S.K Tondon, Advocate on behalf of the respondent. He prays for and is granted two weeks' time to file reply. Rejoinder, if any, be filed within a period of two weeks thereafter.

A request be also sent to the Sole Arbitrator for filing of the arbitral record. The counsel for the parties may assist the Sole Arbitrator in filing of the same.

The senior counsel for the petitioner submits that the Sole Arbitrator in the Impugned Award has found that the entire default was on the part of the respondent, however, in spite of such finding has directed the petitioner to refund the amount of Rs. 1.56 crores paid by the respondent to the petitioner. He further submits that the claim of this amount itself would have been barred by the Law of Limitation and had not been raised in the original Statement of Claim but was raised by way of subsequent amendment thereto.

Learned senior counsel for the respondent controverts the above submissions.

Upon the petitioner making deposit of 50% of the awarded amount within a period of four weeks from today, there shall be a stay on the enforcement of the Impugned Award till the next date of hearing.

List on 18th May, 2018.

Dasti.

NAVIN CHAWLA, J MARCH 21, 2018/rv