

# Ajay Tandon vs Religare Finvest Company Limited & Anr on 21 March, 2018

**Author: Najmi Waziri**

**Bench: Najmi Waziri**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 48/2015

AJAY TANDON

..... Appellant

Through: Ms. Hina Shaheen, Advocate.

Versus

RELIGARE FINVEST COMPANY LIMITED & ANR

..... Respondents

Through: Mr. J. M. Kalia, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% 21.03.2018 This is a petition filed under section 37 of the Arbitration & Conciliation Act, 1996 (Act) against the dismissal of the appellant's objections filed under section 34 of the Act upholding the award of Rs. 4,07,860.57/-. On 20.01.2016, the Court had noted that for about a year the matter has not been argued and repeated adjournments have been sought by the appellant. Even on that date, an adjournment had been sought on the ground that the appellant had suffered some bereavement in the family. The Court had granted one last opportunity to the appellant to address arguments subject to depositing the decretal amount with the Registrar General of the Court within four weeks thereof. However, the amount was not deposited.

Subsequently on the next date i.e. 27.07.2016, two more weeks were granted as a last opportunity. The case was thereafter listed on the following dates i.e. 16.09.2016, 24.11.2016, 20.12.2016, 27.01.2017, 23.03.2017 and 12.07.2017. On the previous date i.e. 03.11.2017 it was recorded as under:

"...1. There is no compliance by the appellant of the order dated 12.7.2017 whereby the appellant had to deposit 50% of the awarded amount. Therefore, the respondent is at liberty to execute the subject Award.

2. Counsel for the appellant is not available on account of personal reason, and therefore, adjournment is prayed.

3. An authorized representative of the Arbitrator is present alongwith the arbitration record. He is directed to file the same in the Registry in accordance with the procedure prescribed.

4. List on 21st March, 2018.."

Even today an adjournment is sought on account of non-availability of the counsel for the appellant. There is no compliance of this Court's order dated 20.01.2016 and/or the previous order directing the appellant to deposit 50% of the awarded amount.

In view of the aforesaid circumstances, the appeal is dismissed for non-prosecution.

NAJMI WAZIRI, J.

MARCH 21, 2018 sb