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

+ **CM(M) 2838/2024**

M/S. GAURAV ENTERPRISES

.....Petitioner

Through: Dr. Anurag Kr. Agarwal with Mr.
Mahesh Mishra and Mr. Prateek
Agarwal, Advocates.

versus

MAHANAGAR TELEPHONE NIGAM LTD

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **03.07.2024**

CM APPL. 36511/2024(EXEMPTION)

Exemption allowed, subject to all just exceptions.

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1. The present petition has been filed under Article 227 of the Constitution of India seeking setting aside of order dated 01.06.2024 passed by learned Executing Court.
2. The petitioner had an award in its favour which has already attained finality. When it prayed for execution of the award, it is contended that the learned executing Court has incorrectly interpreted the ratio of the order dated 09.04.2018 passed in petition under Section 34 of Arbitration and Conciliation Act, 1996.
3. The attention of the Court has been drawn towards para No. 22 of the said order dated 09.04.2018 and it contended that the subsequent paras have

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to be read in conjunction with para No. 22.

4. It is submitted that the learned Executing Court had directed the decree holder i.e. petitioner herein to submit fresh calculations which would not only be pre-judicial to the interest of the decree holder but also would be contrary to the directions contained in said order dated 09.04.2018.

5. Issue notice to respondent through all the permissible modes, returnable on 25.09.2024.

6. The learned Executing Court is requested to defer the hearing to a date subsequent to the date given by this Court.

MANOJ JAIN, J

JULY 3, 2024/sw