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

+ **CS(COMM) 839/2022**

INTERNATIONAL ENGINEERS AND PROJECTS

CONSULTANTS LTD

..... Plaintiff

Through: Mr. Himanshu Mahajan, Advocate

versus

MAHANAGAR TELEPHONE NIGAM LIMITED Defendant

Through: Mr. Saket Sikri, Mr. Ajay Pal Kullar,
Mr. Vikalp Mudgal, Mr. Arun
Sanwal and Ms. Priya Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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05.12.2022

I.A. 20444/2022

Subject to the plaintiff filing the clear, original and legible/typed copies of any dim documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

The application is disposed of.

CS(COMM) 839/2022

1. The instant suit under Section 17 of the Arbitration Act, 1940 has been filed on behalf of plaintiff seeking the following reliefs:-

“1. Pass an order under Section 17 of the Arbitration Act, 1940, to pronounce the judgment according to the Award dated



23.12.2020 along with corrigendum dated 24.02.2021 to the Award dated 23.12.2020 filed by the Ld. Sole Arbitrator, Sh. A. K. Shrivastav.

2. Pass an order under Section 17 of the Arbitration Act, 1940, to pass a decree on the judgment so pronounced according to the Award dated 23.12.2020 along with corrigendum dated 24.02.2021 to the Award dated 23.12.2020 filed by the Ld. Sole Arbitrator, Sh. A. K. Shrivastav...”

2. Learned counsel for the plaintiff submitted that the present suit has been filed as the Ld. Sole Arbitrator has filed the Award dated 23.12.2020 along with corrigendum dated 24.02.2021 to the said Award before this Court and the cause of action for filing the present suit arose from 06.04.2021, the date when the Ld. Sole Arbitrator filed the Award dated 23.12.2020 along with corrigendum dated 24.02.2021 to the Award dated 23.12.2020 before this Court. The cause of action is still continuing as on 06.09.2022, since this Court disposed of the civil suit bearing CS(COMM) No. 27/2021 titled as International Engineers and Project Consultants Limited Vs. Mahanagar Telephone Nigam Limited filed by the Plaintiff under Section 14 (2) of the Arbitration Act, 1940 r/w Rule 3 & 10 (a) & (c), Chapter 4, Part B of Volume-1 of the Delhi High Court Rules seeking directions to the Ld. Sole Arbitrator to file a signed copy of the award dated 23.12.2020 passed in the arbitral proceeding titled Mahanagar Telephone Nigam Limited Vs. M/s. International Engineers and Project Consultants Limited alongwith the complete record of the aforesaid arbitral proceedings including depositions/documents/ pleadings/Applications & orders passed by the Ld. Sole arbitrator.

3. At this juncture, learned counsel appearing on behalf of plaintiff prays



for two weeks' time to file copy of the plaint bearing no. CS(COMM) 27/2021 and the entire documents pertaining to the said suit.

4. Heard.

5. Let the copy of the plaint bearing no. CS(COMM) 27/2021 and the documents pertaining to the said suit as prayed for, be filed before this Court within two weeks.

6. List on 6th February, 2023.

CHANDRA DHARI SINGH, J

DECEMBER 5, 2022

Dy/@k

Click here to check corrigendum, if any