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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1058/2018
BUNDELA BANDHU CONSTRUCTION CO. Plaintiff
Through Mr. S. N. Pandey, Adv.
versus
NATIONAL PROJECT CONSTRUCTION CORPORATION LTD.
..... Defendant
Through Mr. Rajat Arora, Adv. for D-1

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **14.02.2019**

CS (COMM) 1058/2018

The matter has been put up before the undersigned pursuant to office note for transfer the present matter to district court.

It is brought to my notice that the present proceedings are for making award dated 20.01.1997 as rule of court u/S 14 & 17 of the Arbitration Act, 1940. Although the present proceedings have been numbered as a suit, it is settled proposition that proceedings u/S 14 r/w Section 17 Arbitration Act, 1940 are not classified as a suit. The ratio in "*Nawab v. Sagarmal AIR 1965 SC 1798*" can be adverted to on this point. It is submitted that the specified value of the present matter is to be determined in terms of Section 12(2) of the Commercial Court's Act, 2015 and not as per Section 12 (1) thereof. It has been observed that Section 12(1) of Commercial Court's Act provides for computing specified value in case of the suit and the same would not be applicable to the present proceedings. As per Section 12(2) the aggregate value of the claim and counter claim are to be taken for determining specified value. Both the learned counsels

submit that the aggregate value of claim and counter claim in the present proceedings is more than Rs.2.00 crore. Short adjournment is sought for placing the copy of claim and counter claim.

At joint request and since the court's date is short, let the matter be placed before the Hon'ble Court on date already fixed there i.e. on 15.02.2019, for further directions.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 14, 2019/ab