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

\+ O.M.P. (COMM) 272/2022 & I.A.10293/2022

KALPATARU POWER TRANSMISSION LIMITED ..... Petitioner

Through: Mr. Dayan Krishnan, Senior Advocate with Mr. Rishi Agarwal, Ms. Aarushi Tiku, Mr. Sunil Mita, Mr.Yogesh Dalal and Mr. Anant Shukla, Advocates.

versus

GAIL GAS LIMITED ..... Respondent

Through: Mr. Rajshekhar Rao, Senior Advocate with Ms. Sangeeta Bharti, Mr. Ashish Kumar, Ms. Malvi Balyan, Ms.Vrinda Awasthi, Mr. Harsh B Nagar and Mr. Harshil Wasson, Advocates.

\+ O.M.P. (COMM) 273/2022 & I.A.10327/2022

GAIL GAS LIMITED ..... Petitioner

Through: Mr. Dayan Krishnan, Senior Advocate with Mr. Rishi Agarwal, Ms. Aarushi Tiku, Mr. Sunil Mita, Mr.YogeshDalal and Mr. Anant Shukla, Advocates.

versus

MS KALPATARU POWER TRANSMISSION LTD ..... Respondent

Through: Mr. Rajshekhar Rao, Senior Advocate with Ms. Sangeeta Bharti, Mr. Ashish Kumar, Ms. Malvi Balyan, Ms.Vrinda Awasthi, Mr. Harsh B Nagar and Mr. Harshil Wasson, Advocates.

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CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% 11.10.2022

I.A.16457/2022 in O.M.P. (COMM) 272/2022
I.A.11194/2022 in O.M.P. (COMM) 273/2022

By way of the present applications the petitioners seeks condonation of the apparent delay in filing the petitions under section 34 of the Arbitration & Conciliation Act, 1996 ('A&C Act' for short).

2. Learned senior counsel appearing for the parties submit that there is in fact no delay since the arbitral award was passed on 06.12.2021 during the period when limitation was held in abeyance by orders of the Hon'ble Supreme Court in *Suo Moto* Writ Petition (Civil) No. 3/2020, from 15.03.2020 until 28.02.2022, in view of the then prevailing pandemic. It is stated that the present petitions were filed on 27.05.2022 and 21.05.2022 respectively, *i.e.* within 03 months from when the period of limitation began to run from 01.03.2022; and accordingly, are within the period of limitation as prescribed under section 34 (3) of the A&C Act.

3. For the reasons stated in the applications, which are duly supported by affidavits, the applications are allowed.

4. The petitions are taken on Board.

5. Applications stand disposed of.

O.M.P. (COMM) 272/2022 & O.M.P. (COMM) 273/2022

6. Though the arbitral record has been received and digitized, it has not been bookmarked. In the circumstances, learned counsel submit that

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they wish to file a joint convenience compilation to facilitate final arguments.

7. Senior counsel also confirm that parties do not wish to file any reply to the cross-objections, each of which may be treated as the response to the other.

8. List for hearing on 24th January 2023 and 25th January 2023 at 03:00 p.m.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 11, 2022/ds

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