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

\+ O.M.P. (COMM) 468/2023 & I.A. 22892-22894/2023

BALASORE ALLOYS LIMITED ..... Petitioner
Through: Ms. Kritika Nagpal, Advocate.

versus

STATE TRADE CORPORATION
OF INDIA LIMITED ..... Respondent
Through: Mr. Madhu Sudan Bhayana, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 09.02.2024

1. Mr. Madhu Sudan Bhayana, learned counsel for the respondent, raises a preliminary objection as to the jurisdiction of this Court to entertain the present petition.

2. It is submitted that proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 ["the Act"] were instituted by the petitioner itself before the Court of the learned District Judge, Balasore, Odisha. Consequently, when the respondent herein filed a petition under Sections 14 and 15 of the Act [O.M.P.(T)(COMM) 19/2015] before this Court, an objection was taken with regard to jurisdiction, having regard to Section 42 of the Act. The aforementioned petition was dismissed on this ground, by an order dated 14.12.2015. It is submitted that the aforesaid proceedings have been suppressed from the present petition, and the

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petitioner has sought to invoke the jurisdiction of this Court, notwithstanding the provisions of Section 42 of the Act. Mr. Bhayana specifically states that the proceedings before the Balasore Court and O.M.P.(T)(COMM) 19/2015 arose out of the very same contract from which the award under challenge emanates.

3. Ms. Kritika Nagpal, learned counsel for the petitioner, seeks time to take instructions.

4. List on 12.02.2024.

PRATEEK JALAN, J

FEBRUARY 9, 2024
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