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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 305/2023**
GUJARAT STATE FERTILIZERS & CHEMICALS LTD.

..... Petitioner

Through: Mr.Rajiv Nayyar, Sr. Adv. with
Mr.Kunal Vyas, Ms.Niyati Kohli, Mr.Pratham Vir
Agarwal & Mr.Abhay Agnihotri, Advs.

versus

M/S GAIL (INDIA) LTD. Respondent

Through: Mr.Shashank Garg & Ms.Nishtha
Jain, Advs. with Mr.Ramesh Kumar, Sr. Officer
(Law) GAIL.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **17.08.2023**

I.A. 14966/2023

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

O.M.P. (COMM) 305/2023

3. The present petition seeks to assail the arbitral award dated 29.07.2023 passed by the learned sole Arbitrator. Vide the impugned award, the learned Arbitrator has while rejecting the petitioner's claims, allowed the respondent's counter claims.
4. The primary submission of learned senior counsel for the petitioner is that the award is patently illegal as it fails to appreciate that the letter issued by the Ministry of Petroleum and Natural Gas, based on which the respondent had raised claims against the petitioner for payment of



charges at a higher rate for the quantity of gas utilised for purposes other than the production of urea, is still a subject matter of consideration before the Gujarat High Court.

5. Issue notice. Learned counsel for the respondent accepts notice. He prays for and is granted six weeks' time to file counter affidavit. Rejoinder thereto, if any, be filed within four weeks thereafter.
6. A short synopsis not running into more than four pages will be filed by both sides one week before the next date.
7. List on 13.12.2023.

I.A. 14965/2023 (stay)

8. Learned senior counsel for the petitioner submits that he has instructions not to press the present application.
9. The application is, accordingly, dismissed as not pressed.
10. It is therefore, made clear that it will be open for the respondent to seek enforcement of the impugned award as per law

REKHA PALLI, J

AUGUST 17, 2023

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