



\$~19 & 20

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

+ O.M.P. (COMM) 93/2019 & I.A. 153/2019

MINISTRY OF PETROLEUM & NATURAL GAS Petitioner

versus

HARDY EXPLORATION &
PRODUCTION (INDIA) INC Respondent

+ OMP (ENF.) (COMM.) 52/2019 & EX.APPL.(OS) 141/2016

HARDY EXPLORATION & PRODUCTION
(INDIA) INC Decree Holder

versus

GOVERNMENT OF INDIA, MINISTRY OF
PETROLEUM & NATURAL GAS Judgement Debtor

Appearances:

Mr. Vikramjit Banerjee, ASG with Mr. K.R. Sasiprabhu, Mr. Tushar Bhardwaj, Mr. Manan Shishodia, Mr. Md. Ilyas, Advocates for MoP&NG.

Mr. R.Mishra, Mr. M.K. Tiwari, Advocates for UoI in item No. 20.

Mr. Ruchir Mishra, Mr. Mukesh Kr. Tiwari, Ms. Reba Jena Mishra, Advocates for UoI in item No. 20.

Mr. Anurag Ahluwalia, CGSC for UOI in Item Nos. 19 & 20.

Mr. Tejas Karia, Ms. Avlokita Rajvi, Mr. Samarth Madan, Ms. Punya Mehrotra, Advocates for Hardy Exploration and Production (I) Inc.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

23.04.2024

1. By order dated 07.02.2024, it was directed as follows:



“A request for adjournment is made on the ground that the learned Solicitor General is not available today. Learned counsel for Hardy Exploration & Production (India) Inc objects to this request.

List on 23.04.2024.

Mr. K.R. Sasiprabhu, assures the Court that no adjournment will be sought on behalf of the Union of India on the next date of hearing.”

2. Despite the assurance recorded above, an adjournment is again sought on behalf of the Union of India [“the Union”]. Mr. Vikramjit Banerjee, learned Additional Solicitor General [“ASG”], states that he has been briefed only very recently.

3. Mr. Tejas Karia, learned counsel for Hardy Exploration & Production (India) Inc. [“Hardy”], once again objects to the request. He submits that the award has not been stayed, although the Union’s application [I.A. 153/2019] remains pending. Hardy has also filed enforcement proceedings which are being adjourned from time to time.

4. Mr. Karia submits that the award as it stands today, is of a monetary value of over Rs.1100 crores.

5. It has been suggested to learned ASG that the Union may be directed to deposit the awarded amount having regard to Section 36(3) of the Arbitration and Conciliation Act, 1996 [“the Act”], and the provisos thereto. The learned ASG also does not suggest that the case falls under the second proviso to Section 36(3) of the Act. However, as recorded above, he seeks an adjournment.

6. Having regard to the specific assurance that was made to the Court on 07.02.2024, I am of the view that the Union ought to have ensured that it was in a position to proceed with the matter. An adjournment is therefore granted subject to costs of Rs.50,000/- payable by the Union to the respondent within four weeks from today.



7. The Union has also not filed its written submissions. It is directed to do so within four weeks from today.

8. As the petition under Section 34 of the Act [O.M.P. (COMM) 93/2019] has been restored to the file of this Court by the judgment of the Supreme Court dated 25.09.2018 in Civil Appeal No. 4628/2018 [*Union of India vs. Hardy Exploration and Production (India) INC*], the Registry is directed not to reflect the petition as a “disposed of case” in the cause list.

9. List on 12.08.2024.

PRATEEK JALAN, J

APRIL 23, 2024

'Bhupi'/'