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% 25.03.2008

Present: Mr Sudhir K. Makkar for the Petitioner.
Ms Vandana Sharma for the Respondent.

+ **OMP 157/2008**

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By way of this petition under Section 9 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking a direction to the respondent to forthwith hand over to the petitioner the records pertaining to Dabur India Ltd as also issue a No Objection Certificate (NOC).

2. The counsel for the parties have been heard. As per the reply dated 14.02.2008 of the respondent in response to the notice of the petitioner dated 17.01.2008, it is apparent that a balance of Rs 2,23,482/- is claimed by the respondent against the petitioner by way of outstanding dues. The respondent, however, has made a higher claim of Rs 4,26,012/- towards future payments from the petitioner. According to the learned counsel for the petitioner, no further amounts are due and even the balance due is disputed. However, the learned counsel for the petitioner submits that to put an end to the controversy for the time being, the petitioner is ready and willing to deposit with this court a sum of Rs 2,23,482/- without prejudice to the rights and contentions of

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the parties. He submits that this would secure the interest of the ³ respondent and, therefore, there should be no impediment in the respondent handing over the records prayed for as well as the issuance of the NOC.

3. The learned counsel for the respondent, however, was of the view that the entire amount of Rs 4,52,763/- as claimed in paragraph 6 of the said reply dated 14.02.2008 should be secured. The difference in the figures of Rs 4,26,012/- appearing in paragraph 2 and Rs 4,52,763/- as appearing in paragraph 6 has occurred because apparently the respondent had subsequently raised a bill for the difference in the two amounts.

4. Considering the arguments advanced by the counsel for the parties, I am of the view that this petition can be disposed of with the direction that the petitioner shall deposit a sum of Rs 2,23,482/- with the Registrar of this court and shall await the final decision taken in the arbitration proceedings which are to be commenced. On the making of such deposit, the respondent shall hand over the records as prayed for to the petitioner and shall also issue an NOC. The handing over of the records as well as the issuance of the NOC shall be without prejudice to the rights and contentions of the parties and in particular those of the

respondent. The said deposit shall be made within a week and within a week thereafter the respondent shall comply with the directions given above. The amount so deposited be put in a fixed deposit initially for a period of one year.

This petition stands disposed of.

Dasti.


(BADAR DURREZ AHMED)
JUDGE

March 25, 2008

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