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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: August 06, 2009
Date of Order: September 15, 2009

+OMP 273/2009

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Heat Exchange (P) Ltd.

Through: Mr. Jasmeet Singh with Mr. Saurabh Tiwari & Ms. Divya Chaturvedi, Advocates

15.09.2009

...Petitioner

Versus

M/s Ajit Mittal Corporation

Through: Mr. Shiv Khorana, Advocate

... Respondent

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. This application under Section 9 of the Arbitration & Conciliation, 1996 ("the Act, for short) has been made by the petitioner after passing of award by the learned arbitrator on 23rd January 2009.

2. The prayer made by the petitioner is that this Court should ask the judgment debtor to furnish security for Rs.52,60,485/-, which is the amount recoverable by the petitioner from respondent.

3. Since this Court vide separate judgment has dismissed the objections raised on behalf of M/s Ajit Mittal Corporation (respondent herein) vide OMP No.303 of 2009, against the award dated 23rd January, 2009, the petitioner is therefore at liberty to execute the award. Since the petitioner herein has

already filed an execution petition (Ex.P. 113 of 2009) for executing the award, I consider that this petition under Section 9 directing the respondent herein to furnish a security for Rs.52,60,485/- is not maintainable and is hereby dismissed as such. No orders as to costs.

September 15, 2009
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SHIV NARAYAN DHINGRA J.