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IN THE HIGH COURT OF DELHI AT NEW DELHI

O.M.P. 314/2011

PENGUIN BOOKS INDIA PVT LTD

..... Petitioner

Through: Ms. Shikha Tandon, Advocate.

versus

IMPEX WAREHOUSING CORPORATION

..... Respondent

Through: Mr. Pradeep Kumar, Advocate.

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O.M.P. 315/2011

DORLING KINDERSLEY(INDIA) PVT LTD

..... Petitioner

Through: Ms. Shikha Tandon, Advocate.

versus

IMPEX WAREHOUSING CORPORATION

..... Respondent

Through: Mr. Pradeep Kumar, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

20.10.2011

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O.M.P. 314/2011 and I.A. Nos. 7629/2011 & 8294/2011

CCP No. 33/2011 & I.A. Nos. 9491 & 13929/2011 in O.M.P. 314/2011

CCP No. 56/2011 in O.M.P. 314/2011

O.M.P. 315/2011 and I.A. Nos. 7678/2011 & 8295/2011

CCP No. 32/2011 & I.A. Nos. 9504 & 13931/2011 in O.M.P. 315/2011

CCP No. 55/2011

1. Learned Receiver has appeared pursuant to the order dated 13th September

2011. He states that he has filed weekly reports of the proceedings conducted by him. Attention is drawn to the proceedings dated 18th August 2011 which deal with the letters dated 10th and 11th August 2011 written by the Respondents to the Receiver.

2. As far as the main petitions O.M.P. Nos. 314 and 315 of 2011, under Section 9 of the Arbitration and Conciliation Act, 1996 ('Act') are concerned, the subsequent development is that the parties have approached the Delhi High Court Arbitration Center and have agreed that Mr. Justice S. N. Dhingra, learned retired Judge of this Court be appointed as the Sole Arbitrator to arbitrate their disputes and differences.

3. In that view of the matter, these petitions under Section 9 of the Act need not be kept pending. Suffice it to clarify that all the interim directions and orders passed by this Court during the pendency of these petitions will continue to bind the parties till such time further directions are issued by the learned Arbitrator. The learned Arbitrator will also deal with any other objection raised by the parties by way of applications including the prayers

made by the Petitioner in I.A. No. 13929 of 2011. Needless to say that the Arbitrator would take note of the reports filed by the learned Receiver appointed by this Court from time to time.

4. The Registry is directed to place a certified copy of the entire record of these two petitions before the learned Arbitrator.

5. As far as CCP Nos. 33 and 56 of 2011 are concerned, they no longer survive since this Court appointed a Receiver. They are accordingly disposed of. The other applications also do not survive and they too are disposed of. It will be open to the Petitioners and the Respondent to approach the learned Arbitrator for interim measures in accordance with law.

6. The petitions are disposed of in the above terms.



S. MURALIDHAR, J

OCTOBER 20, 2011

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. 314/2011

PENGUIN BOOKS INDIA PVT LTD

..... Petitioner

Through: None.

versus

IMPEX WAREHOUSING CORPORATION

..... Respondent

Through: None.

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O.M.P. 315/2011

DORLING KINDERSLEY(INDIA) PVT LTD

..... Petitioner

Through: None.

versus

IMPEX WAREHOUSING CORPORATION

..... Respondent

Through: None.

CORAM: JUSTICE S. MURALIDHAR**ORDER**

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08.11.2011

1. The office note has been perused. Para 4 of the order dated 20th October 2011 is modified by directing that either or both of the parties will place the certified copies of the entire record of these two petitions before the learned Arbitrator.

2. A copy of this order be sent to the learned Arbitrator.



S. MURALIDHAR, J

NOVEMBER 08, 2011

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