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IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: July 17, 2015

Date of Decision: August 3, 2015

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O.M.P. 1460 of 2014

RAJIV KAPUR & ANR.

....Petitioners

Through: Mr. Anil Airi, Mr. Ravi Kishan Chandna,
Mr. Aman Madan, Ms. Sadhna Sharma & Mr.
Ishan Khurana, Advocates for Petitioner No.1.
Mr. Salman Khurshid, Senior Advocate with Mr.
A.T. Patra, Ms. Srishti Jai Singh & Ms. Geetanjali
Kapur, Advocates for Petitioner No.2.

versus

GIRISH KAPUR & ORS.

....Respondents

Through: Mr. Sudhir Makkar, Ms. Meenakshi
Singh & Mr. Nitesh Kumar,
Advocates.

CORAM: JUSTICE S. MURALIDHAR

1. This petition under Section 9 of the Arbitration and Conciliation Act 1996 ('Act'), is by Mr. Rajiv Kapur and Mr. Vikram Kapur, sons of late Shri B.D. Kapur, seeking interim directions in respect of resolutions passed on 24th October, 2014 by the Board of Trustees (BoT) of the Dewan Harnam Das Saraswati Devi Trust and Dewan

Harnam Das Saraswati Devi Trust (Regd. Society). The prayer *inter alia* is that the Respondents should be directed not to take steps to alter the management and control of any entity which is the subject matter of the Award dated 1st November 2014 passed by the learned Sole Arbitrator in the disputes between the parties.

2. The Court has by a detailed judgement passed today in OMP Nos.30 and 31 of 2015 set aside the directions issued by the learned Arbitrator in the Award dated 1st November 2014 in relation to the aforementioned two Trusts essentially on the ground that the functioning of the Trusts were governed by a separate legal regime and that parties should work out their remedies within the framework of the said legal regime. With the directions issued in the Award dated 1st November, 2014 of the learned Sole Arbitrator, forming the principal basis of the prayers made in the present petition, and with the said directions no longer existing in view of the order passed by the Court today, the Court is not persuaded to entertain the present petition to issue directions as sought.

3. It will, however, be open to the parties to avail other appropriate legal remedies in accordance with law. The Court is also, therefore, refraining from expressing any opinion on the merits of the contentions of the parties in these proceedings.

4. The petition is disposed of. The interim orders stand vacated.

AUGUST 3, 2015
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S. MURALIDHAR, J.

