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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 451/2015**
HEJIAN SOLIDKEY PETROLEUM MACHINERY CO LTD Appellant
Through: Mr Sanjiv Bahl and Me Eklavya Bahl
versus
INDIAN OIL CORPORATION LTD REPRESENTED
THR GENERAL MANAGER Respondent
Through: Mr S. Sirisa Kumar and Mr Abhinav
Tandon

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 14.08.2015

CM No. 15049/2015 (exemption)

The exemption is allowed subject to all just exceptions.

CAV 849/2015

The learned counsel for the respondent / caveator is present.

The caveat stands discharged.

FAO(OS) 451/2015

This appeal is directed against the order dated 28.07.2015 passed by a learned Single Judge of this court in OMP(I) No. 377/2015. That petition was filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking various reliefs as under:-

“A. Pass necessary orders during pendency of the present petition as prayed here under:-

- i. Stay/suspend the impugned letter dated 09.07.2015 bearing no. PLCC/SMPL-DBL/CL/1315 with immediate.
- ii. Pass an order restraining the respondent from dispossessing the petitioner from two sites which are in occupation of the petitioner namely Dondi River site and Nala + SH25 site.
- iii. Pass necessary orders directing the respondent not to hinder the petitioner to retrieve the line pipes belonging to the respondent and the Drill Pipes along with other tools owned by the

Petitioner from the tunnel constructed at Dondi River site in two weeks time.

B. Pass necessary orders for interim measures and stay the operation with immediate effect and suspend the impugned letter of termination dated 09.07.2015 bearing no. PLCC/SMPL-DBL/CL/1315 issued by the respondent till commencement, during arbitration proceedings and till arbitration is over.

C. Pass necessary orders directing the respondents not to hinder and allow the petitioner to complete remaining work under way at the Dondi River site which are almost 95% complete and at Nala + SH25 site where petitioner is mobilized within total ten weeks time after retrieval of pipes; and

D. Pass such further and/or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

The learned Single Judge has examined the petition filed by the appellant herein and, after hearing the learned counsel for the parties, has come to the conclusion that the appellant is seeking is nothing but specific enforcement of a contract which is terminable in nature. After referring to the provisions of Section 14 and Section 41 of the Specific Relief Act, 1963 the learned Single Judge has, in our view, correctly concluded that the contract cannot be specifically enforced and, therefore, injunction cannot be granted in favour of the appellant inasmuch as compensation in money would provide an adequate relief to the appellant. Consequently, we do not see any reason to interfere with the impugned order as the same is in accordance with settled principles of law.

The appeal is dismissed.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

AUGUST 14, 2015 / SU