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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 47/2016**

M/S. FORTUNE GRAND MANAGEMENT PVT.LTD..... Petitioner
Through: Mr.P.S.Bindra, Advocate

versus

DELHI TOURISM & TRANSPORT DEVELOPMENT
CORPORATION Respondent
Through: Mr. R.K.Dhawan, Ms.Richa Dhawan
and Mr.V.K.Teng, Advocates

CORAM: JUSTICE S.MURALIDHAR

ORDER

07.10.2016

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IA No.857/2016

1. In view of the averments made therein, the application is allowed and the list of dates and synopsis is taken on record.

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2. Learned counsel for the Respondent produces a copy of the order dated 8th February, 2016 passed in OMP (I) No.59/2015 between the same parties (*M/S. FORTUNE GRAND MANAGEMENT PVT.LTD v. DELHI TOURISM & TRANSPORT DEVELOPMENT CORPORATION*) in which under paragraph 19 it has been noted that one of the questions framed in W.P(C) 588/2016 on 29th January, 2016 was “Whether the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, would prevail over the Arbitration Agreement within the meaning of the Arbitration & *ARB.P. 47/2016*

Conciliation Act, 1996.?" The said writ petition has since been decided by the learned Single Judge of this Court on 26th April, 2016 and the said question has been answered in the affirmative.

3. Learned counsel for the Petitioner states that an appeal has been filed against the decision dated 26th April, 2016 in W.P.(C) 588/2016 and the appeal is being heard by the Division Bench.

4. In view of the fact that the above order of the learned Single Judge has not been stayed by the Division Bench, the Court is not inclined to continue to keep this petition pending. In the event the Petitioner succeeds in the appeal before the Division Bench and subject to the directions and observations of the Division Bench, it will be open to the Petitioner to file a fresh petition under Section 11 of the Act.

5. The petition is dismissed with the above observations.

S.MURALIDHAR, J

OCTOBER 07, 2016

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