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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) 5/2016
PRAWAL SRIVASTAVA Petitioner
Through : Mr Shaiwal Srivastava, Adv
versus
M/S. ANANT MEDIA PVT. LTD. & ANR. Respondents
Through : None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.08.2016**

IA No.2405/2016

Allowed, subject to all just exceptions.

The application is disposed of.

O.M.P.(I) 5/2016

1. The Petitioner has filed this application under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter the Act), *inter alia*, praying that the Respondents be directed to pay a sum of ₹ 6,62,005/- along with interest at the rate of 18 per cent per annum. The Petitioner has further prayed that the Respondents be called upon to furnish the security / bank guarantee for the balance amount of ₹ 20,29,246/- till the adjudication of the issues by the arbitral tribunal.

2. The learned counsel for the Petitioner submits that the parties have been referred to the arbitration under the aegis of the Delhi International Arbitration Centre (DAC), however the arbitrator is yet to be appointed. He submits that there is a clear admission on the part of the Respondents that a sum of ₹6,62,005/- is payable to the Petitioner. He earnestly contends that an order directing the Respondents to pay this amount with interest ought to be passed.

3. I have heard learned counsel for the Petitioner.

4. It is seen that there is no averment in the petition, which would indicate any apprehension that the Respondents are alienating their assets or are acting in any manner to frustrate the award that may be ultimately passed in favour of the Petitioner.

5. The provisions under Section 9 of the Act enable the party to approach the Court for interim measures. What the Petitioner is seeking is essentially in the nature of an interim award, which clearly cannot be granted in the proceedings.

6. Accordingly, the present petition is dismissed with liberty to the Petitioner to approach the arbitrator for an interim award if any amount is admitted as due and payable by the Respondents as contended by the learned counsel for the Petitioner.

VIBHU BAKHRU, J

AUGUST 23, 2016

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