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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 36/2016 & IA No.6658/2016
INNOVATION IMPEX PVT. LTD.(C-TV) Petitioner
Through : Mr Mohit Chaudhary, Mr Kunal
Sachdeva, Ms Damini Chawla, Advs.
versus
M/S SHEKHAR RESORTS LTD & ORS. Respondents
Through : Mr Vishwendra Verma & Ms Shivali,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.09.2016**

1. The petitioner has filed the petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

“Restrain the Respondents, their agents, assigns etc from alienating, disposing off or in any manner creating any 3rd party rights over the immoveable properties stated in para 6 of the present petition, during the pendency of arbitration proceedings between the parties and appoint arbitrator in terms of section 9(2) of the Arbitration and Conciliation Act, 1996.”

2. By an order dated 08.02.2016, ad-interim order was passed restraining the respondents from creating any third party interest in respect of properties namely Wyndham Grand Hotel, located at Agra, ad measuring 64,000 sq. yds.; land comprising of Khasra Nos.117, 118, 119, 132 in revenue estate of Mauza Basai Mustakil, Thesil Agra, District Agra admeasuring 7,200 sq. yds. and Plot No.11, Sector - Institutional Green situated in Greater Noida Industrial Development Area, District Gautam Budh Nagar, UP, admeasuring

40048.1 sq. mtrs.

3. In view of the fact that a sole arbitrator has been appointed to adjudicate the disputes between the parties in Arb. Pet. No.488/2016, it is directed that the sole arbitrator shall treat the present petition as an application under Section 17 of the Act and decide it as expeditiously as possible and preferably within three months from today.

4. The interim order dated 08.02.2016 passed by this Court in this matter shall continue till the sole arbitrator disposes of the application under Section 17 of the Act and shall be subject to any further order that may be passed by the sole arbitrator.

5. The parties shall file a copy of the record of the present petition with the Arbitrator.

6. In view of above, the petition along with pending application is disposed of.

7. Order *dasti* to both the parties.

VIBHU BAKHRU, J

SEPTEMBER 27, 2016

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