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

+ **FAO(OS) (COMM) 4/2016**

SHREE RENUKA SUGARS LIMITED

..... Appellant

Represented by: Mr.Sandeep Sethi, Sr.Adv.
instructed by Mr.Shikhil Suri,
Mr.Kamaldeep Dayal, Adv.

versus

NATIONAL COMMODITY &

DERIVATIVES EXCHANGE LIMITED & ANR Respondent

Represented by: Mr.Parag P.Tripathi, Sr.Adv.
instructed by Mr.Sandeep
Gupta, Mr.Tushar Gupta,
Ms.Anasuya, Adv.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.02.2016

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CM 6554/2016

Exemption allowed subject to just exceptions.

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1. Impugned order is a pro-tem ex-parte ad-interim order as distinct from an interim order pending resolution of the main dispute.
2. The order under challenge has been passed on the first date of listing of OMP (I)(COMM.) 11/2016. While issuing notice to the respondents the learned Single Judge has passed the pro-tem interim order as under:

'Pending the initiation of and the hearing and final disposal of the arbitration proceedings and for a period of three months thereafter, this Court is pleased to restrain the Respondents,

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their agents, servants and or any other persons claiming through or under them by an order of temporary injunction from in any manner whatsoever selling, transferring, alienating, encumbering and/or creating third party rights of any nature whatsoever in respect of the shares held by Respondent Nos.1 and 2’.

3. Appeal would lie against the impugned order inasmuch as it is not an interim judgment. The appellant’s remedy is to file an application on principles analogous to Order XXXIX Rule 4 of the Code of Civil Procedure 1908 and if the learned Single Judge does not decide said application within 30 days of it being filed and listed before the learned Single Judge, the appellant would be entitled to approach the Division Bench.

4. Dismissing the appeal we simply observe that dismissal thereof would not lend our imprimatur to the impugned order. Should appellant file an application for vacation of the ex-parte ad-interim order, the learned Single Judge shall decide the same within 30 days of it being listed.

5. No cost.

CM 6553/2016 (stay)

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 23, 2016

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