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

+ O.M.P.(I) (COMM.) 67/2016 & I.A. No.5035/2016

INNOVATIVE B2B LOGISTICS SOLUTIONS PRIVATE
LIMITED

..... Petitioner

Through Mr.Sacchin Puri, Sr. Adv. with
Mr.Pankaj Prakash, Mr.Rahul Khosla,
Mr.Arun Vidyarthi & Ms.Hrishika
Pandit, Advs.

versus

CENTRAL WAREHOUSING CORPORATION Respondent

Through Mr.Harish Malhotra, Sr. Adv. with
Mr.K.K.Tyagi & Mr.Iftikhar
Ahmad,Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **14.09.2016**

Learned counsel for the petitioner has informed that Arbitral Tribunal has already been constituted. He is not disputing that once the Arbitral Tribunal has been constituted, this Court may refer the dispute to the same Arbitral Tribunal. Under Section 9(3) of Arbitration and Conciliation Act, 1996, it is mandatory that once the Arbitral Tribunal has been constituted, the Court shall not entertain an application under sub-section (1), unless the Court finds that circumstances exists which may not render the remedy provided under Section 17 efficacious. Learned counsel for the petitioner submits that he has no objection if the present petition be treated as an application under Section 17 of the Act. He further submits that the Bank

Guarantee has been renewed upto 26th February, 2017. Photocopy of the same has been filed. The same is taken on record.

Under these circumstances, as agreed, the present petition be treated as an application under Section 17 of the Arbitration & Conciliation Act, 1996 by the learned Arbitrator. The petitioner to file the copies of pleadings before the Arbitrator within two weeks.

It is directed that the petitioners will further renew the bank guarantee two weeks prior from the date of its expiry.

Subject to the said condition, the interim order passed by the order dated 26th February, 2016 shall continue during the pendency of the arbitration proceedings, till the same is modified or vacated by the Arbitrator.

The present petition is accordingly disposed of with these directions.

MANMOHAN SINGH, J

SEPTEMBER 14, 2016/vp