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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 147/2016

JAYBHARAT TEXTILES AND REAL ESTATE LTD..... Petitioner
Through: Ms. Urmila Purkayashtha, Advocate.

versus

NATIONAL TEXTILE CORPORATION LTD Respondent
Through: Mr. Ashok Kumar Singh, Senior
Advocate with Mr. Arush Pathania, Ms, Mehak
Huria, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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21.10.2016

O.M.P.(I) (COMM.) 147/2016 & IA No. 19924 of 2012(O. 39 Rule 4
CPC) & IA No. 19925 of 2012(stay)

1. This petition under Section 9 of the Arbitration & Conciliation Act, 1996 ('Act') is pending before this Court for more than six years. There is an interim order passed on 1st October, 2010 directing the parties to maintain the *status quo* with regard to the possession in respect of two mills namely, Parvathi Mills, Kollam (Kerala) and Sri Sarda Mills, Coimbatore.

2.The Respondent has filed an application under Order 39 Rule 4 CPC for vacation of the said interim order. It is at this stage that the proceedings are pending before this Court.

3. In the meanwhile, the arbitration has proceeded and the evidence of the Claimant has concluded. The examination of the witnesses of the

Respondent is underway. It appears that if the adjournments are not granted, the Arbitrator is likely to conclude the proceedings in the next six months.

4. In that view of the matter, the Court is directed that the application filed by the Respondent under Order 39 Rule 4 of CPC now be presented in the arbitral proceedings to be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 ('Act') and be dealt by the Arbitral Tribunal ('AT') in accordance with law. It will be open to the AT to vary, vacate or modify the interim order dated 1st October, 2010.

5. The petition is disposed of in the above terms. The pending applications are also disposed of.

S. MURALIDHAR, J

OCTOBER 21, 2016

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