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

+ O.M.P.(I) (COMM.) 264/2016

HERO FIN CORP LTD.

..... Petitioner

Through

Mr.Venancio D'Costa, Adv. with
Mr.Arjun Sawhney & Mr.Ashish K.
Singh, Advs.

versus

ESS DEE ALUMINIUM LTD. & ANR.

..... Respondents

Through

Mr.Santosh Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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12.07.2016

Both the parties submit that the Arbitral Tribunal has already been constituted. The next date before the Arbitral Tribunal is 25th July, 2016. The present petition has been filed after the amendment. Under sub-section (3) of Section 9 of the Act once the arbitral tribunal has been constituted, the Court shall not entertain an application under sub-section (1), unless the Court finds that circumstances exist which may not render the remedy provided under Section 17 efficacious.

Under these circumstances, the present petition is disposed of accordingly with the direction that the status quo order passed on 13th June, 2014 shall continue during the pendency of the arbitration proceedings. However, liberty is granted to the parties to move an application under Section 17 of the Act, if so required.

MANMOHAN SINGH, J.

JULY 12, 2016/jk