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

+ **O.M.P.(I) 14/2016**

SUVED DEVELOPERS PVT. L TO.

..... Petitioner

Through: Mr Ankit Jain and Mr Sarvesh Rai,
Advocates.

versus

HOLYSTAR INDUSTRIES, & ANR.

..... Respondents

Through: Mr Naushad Ahmed Khan, ASC for
GNCTD with Ms Hancy Wadhwa,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.11.2016

IA No.14822/2016

1. Allowed, subject to all just exceptions.

IA No.14823/2016

2. This is an application filed by the petitioner to amend the above captioned petition to reflect the area of the subject property - Plot No. 25A, Sector-18, Gurgaon, Haryana - to be 2880 sq. mts. instead of 288 sq.yards. The said amendment is not objected to and is accordingly, allowed.

3. The amended petition is taken on record.

IA No.14821/2016

4. This is an application filed by the petitioner for modification of the order dated 10.06.2016 to reflect the correct area of the subject property; that is, 2880 sq. mtrs. instead of 288 sq yards.

5. For the reasons stated in the application the same is allowed. The order dated 10.06.2016 is accordingly modified to reflect the description of the suit property in the last paragraph as “Industrial Plot No.25A, Sector-18, Gurgaon, Haryana, admeasuring 2880 sq. mtrs.”

6. The application stands disposed of.

O.M.P.(I) 14/2016

7. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996, inter alia, praying as under:-

“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to pass ex-parte ad interim orders, thereby restraining respondents no.1 and 2 from selling, alienating, transferring, encumbering or creating third party rights or transferring possession of the suit property being Industrial Plot No. 25A, Sector-18, Gurgaon, Haryana, admeasuring 2880 sq mtrs, in any manner whatsoever.”

8. Since the Arbitrator has been appointed, it would be appropriate that the present petition be considered by him as an application under Section 17 of the Act. The parties are directed to file copy of the present petition as well as the orders passed herein with the Sole Arbitrator. The interim order passed on 10.06.2016 (as rectified by the order passed today) shall continue to be operative till the application under Section 17 (present petition) is disposed of by the Arbitrator. However, this would not preclude the respondent from seeking modification and/or vacation of the interim order before the Arbitrator. It is also clarified that the orders passed in this petition shall be subject to any further order(s) that may be passed by the Arbitrator. The parties are at liberty to approach the Arbitrator for fixing an early hearing.

9. The petition is disposed of with the aforesaid observations.
10. Order dasti.

VIBHU BAKHRU, J

NOVEMBER 30, 2016
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