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

+ O.M.P.(I) (COMM.) 305/2016 & I.A. No.9407/2016

HERO FINCORP LIMITED Petitioner
Through Mr.Venancio D'Costa, Adv. with
Ms.Astha, Adv.

versus

M/S. PDM RELIGIOUS & EDUCATIONAL ASSOCIATION &
ORS. Respondents
Through Mr.Rajeev Sharma, Adv. (Enrl. No.D-
597/93, Mob.No.9910844633) with
Ms.Shalu Lal, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **05.08.2016**

The respondents are served. Learned counsel appearing on behalf of respondents undertakes to file the *Vakalatnama* within one week.

The present petition has been filed by the petitioner for securing of the amount. 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 of the Act. Learned counsel

for the petitioner submits that he has no objection if the present petition be treated as application under Section 17 of the Act. However, he submits that more than Rs.1 crore is due from the respondent. Under these circumstances, present petition is disposed of with the directions that respondent will not sell or dispose of immovable property bearing Khewat No.35/16 min, Khata No.36, Rect 7 Killa No.23/18/2/2, Village Sarai Aurangabad, Tehsil Bahadurgarh, District Rohtak, Haryana-124507. Liberty is granted to the respondents to move an application under Section 17 of Arbitration and Conciliation Act, 1996 for modification/vacation of the said interim order before the Arbitrator, if so desired.

The present petition is accordingly disposed of with these directions.

Dasti, under the signatures of the Court Master.

MANMOHAN SINGH, J.

AUGUST 05, 2016/vp