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

+ **FAO(OS) 179/2015**

LAKSHMI FLOAT GLASS LTD & ANR Appellants

Represented by: Mr.Mukul Gupta, Sr.Advocate
instructed by Mr.Vibhor Garg,
Mr.Tushar Gupta and Ms.Saumya
Sharma, Advocates

versus

IAG GLASS CO LTD

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **12.01.2016**

1. Notice issued by this Court was attempted to be served upon six directors of the respondent-company. One of them named Vijay Joshi refused to accept the notice issued. Notice could not be served upon three directors. Qua two directors service report is awaited. As per law a notice sent at the registered office of a company would be treated as service upon the company. It is the duty of a company to make provisions at its registered office to receive notices sent to the company.

2. Grievance of the appellant in the appeal is to limited interim order granted by the learned Single Judge while issuing notice in a petition filed by the appellant under Section 9 of the Arbitration and Conciliation Act,

FAO(OS) 179/2015

page 1 of 2

1996. The appellant has an award dated March 25, 2015 in its favour. The award is against the respondent. As per the award the respondent is liable to pay to the appellant a sum of ₹37,17,23,078/- (Rupees Thirty Seven Crore Seventeen Lacs Twenty Three Thousand Seventy Eight only) together with interest at the rate indicated in the award.

3. Learned counsel for the appellant informs that the respondent has not challenged the award and after the notice was issued by this Court the respondent has started effecting delivery of finished goods to the appellant and as of today the appellant has received finished goods worth about ₹3.5 crores.

4. Learned counsel for the appellant informs that the respondent has not filed any objections to the award under Section 34 of the Arbitration and Conciliation Act, 1996.

5. Since the respondent has chosen not to enter appearance and oppose the instant appeal, noting the facts above, we are of the opinion that case is made out to grant an injunction in favour of the appellant and against the respondent as prayed for.

6. The appeal is accordingly disposed of directing respondent not to part possession with, otherwise than to the appellant, of finished product in the custody and ownership of the respondent till the amount as per the award is satisfied.

7. No costs.

PRADEEP NANDRAJOG, J.

INDERMEET KAUR, J.

JANUARY 12, 2016/mamta
FAO(OS) 179/2015

page 2 of 2