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

+ **O.M.P.(I) (COMM.) 457/2016**

INDIA INFRASTRUCTURE FUND

..... Petitioner

Through: Mr Rajiv Nayar, Mr Arun Kathpalia,
Senior Advocates with Mr Sanjeev
Kapoor, Mr Rajat Jariwal and Mr
Aakash Bajaj, Advocates.

versus

ESSAR POWER LIMITED & ORS.

..... Respondents

Through: Mr Parag Tripathi, Senior Advocate
with Mr Rishi Agrawala, Mr Abhijeet
Sinha, Ms Neena Nagpal, Ms Gunika
Gupta, Mr Sameer Talwar and Mr
Gopalrao Srikar, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.11.2016

IA No.14584/2016

1. Allowed, subject to all just exceptions.

IA No.14585/2016

2. For the reasons stated in the application, the same is allowed and stands disposed of.

O.M.P.(I) (COMM.) 457/2016

3. Mr Parag Tripathi, learned senior counsel appearing for respondent no.1 states, on instructions, that the shares held by respondent no.1 in respondent no.7 company shall not be dealt with in any manner unless the

orders passed by this Court on 02.12.2014 (as modified on 04.12.2014 and confirmed on 07.05.2015) in OMP No.1506/2014 as well as the order passed by the Arbitral Tribunal on 22.10.2016 are not dissolved or vacated.

4. Mr Rishi Agrawala, learned counsel for respondent no.7 also states on instructions that respondent no.7 will also not sell or alienate its undertaking till the aforesaid orders subsist.

5. It is clarified that the aforesaid statements shall not in any manner preclude the Arbitral Tribunal from considering any application that the parties may file and the above order (statements made by counsel) shall also be subject to any order(s) that may be passed by the Arbitral Tribunal. Needless to mention that this is without prejudice to rights and contentions of the parties.

6. In view of the aforesaid statements and clarification, the learned counsel for the petitioner seeks to withdraw the present petition.

7. Dismissed as withdrawn with the aforesaid observations.

8. Order *dasti*.

VIBHU BAKHRU, J

NOVEMBER 25, 2016

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