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

+ **O.M.P.(I) 32/2016**

OK PLAY INDIA LIMITED & ANR & ANR. Petitioners

Through Mr Anirudh Wadhwa, Advocate.

versus

DHL LOGISTICS PRIVATE LIMITED

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.11.2016

1. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

"Direct the Respondent as well as its employees/agents/representatives and all such persons claiming to act under it or on its behalf, to immediately and unconditionally release custody of the goods relating to invoice Nos MAA H 249696, MAA H 249461, MAA H 249697 and MAA H 249334 dated 17.11.2016, as are presently in the possession of the Respondent at Chennai Airport, to the authorized representatives of the Petitioners."

2. Admittedly, the respondent is willing to release the said good on payment of the amounts as demanded by the respondent. It is also apparent that the petitioner is disputing the amount as claimed by the respondent. However, after some arguments, the learned counsel for the petitioner states

that the petitioner would make the payment as demanded by the respondent without prejudice to its right to claim the same before the arbitral tribunal as and when constituted.

3. The present petition is disposed of by clarifying that the petitioner would be at liberty to make such claims as advised including recovery of the amounts paid to the respondent, before the arbitral tribunal as and when constituted.

VIBHU BAKHRU, J

NOVEMBER 22, 2016

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