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

+ **FAO(OS) (COMM) 131/2016**

RAJEEV KUMAR SINGH Appellant
Represented by: **Mr.S.S. Tripathy, Adv.**

versus

SHYAM LAL & ORS Respondents
Represented by: **None**

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **28.11.2016**

CM No. 43917/2016

Exemption is allowed subject to all just exceptions.

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1. We find no merit in the appeal for the reasons two very pertinent facts and legal consequences therefrom flowing have been rightly noted in para 9 of the impugned order dated September 30, 2016.
2. The agreement on which appellant rests its case is dated February 28, 2003. ₹3 crores had to be paid by the appellant to respondent Nos.1 to 5 by June 30, 2005. As per the appellant it had tendered some cheques which if encashed would have resulted in payment in a sum of ₹1.35 crores being received.
3. In the petition filed under Section 9 of the Arbitration & Conciliation

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Act 1996, date when said cheques were tendered and not encashed have not been pleaded.

4. Be that at it may, the fact of the matter would remain that for view taken by the learned Single Judge no case is made out to grant interim protection as prayed.

5. The appeal is dismissed.

6. No costs.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

NOVEMBER 28, 2016

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