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

+ **FAO(OS) 493/2015**

RAIL LAND DEVELOPMENT AUTHORITY (RLDA)

..... Appellant

Represented by: Mr.Amit Kumar, Adv.

versus

PARSVNATH RAIL LAND PROJECT PRIVATE LIMITED & ORS

..... Respondents

Represented by: Mr.Sandeep Sethi, Sr. Adv.
with Mr.Vijay Nair, Adv. for
R-1 & R-2
Ms.Rigasha Takkar, Adv. for
R-3

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **25.02.2016**

1. While issuing notice in OMP(I) 388/2015 a petition under Section 9 of the Arbitration & Conciliation Act, 1996, vide order dated August 03, 2015 the learned Single Judge has granted a pro-tem ex-parte injunction against the appellant. The next date of hearing listed before the learned Single Judge was September 14, 2015. We are informed that the appellant got the matter adjourned before the learned Single Judge on the ground that the instant appeal was pending. That would be putting the cart before the horse.

2. The learned Single Judge has yet to consider the reply filed by the appellant and decide OMP(I) 388/2015 in which prayer made is to restrain the appellant from encashing a bank guarantee issued at the instance of the respondent by Punjab National Bank in sum of ₹82,57,55,000/-.

3. Impugned order would not be an interim judgment inasmuch as it has not conclusively decided the rights of the parties pending resolution of the dispute before the Arbitral Tribunal and thus we dismiss the appeal as not maintainable.

4. No costs.

CM No.17808/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 25, 2016
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