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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) 513/2015**

GULAB OVERSEAS PRIVATE LIMITED Petitioner
Through **Mr.Ratan K. Singh, Adv. with**
Mr.Suraj Prakash, Mr.Udit Chauhan,
Mr.Raghav Alok & Ms.Swati
Surbhi,Advs.

versus

BRILLIANT BUILD TECH PRIVATE LIMITED & ANR.
..... Respondents
Through **Mr.Manmeet Arora, Adv. with**
Mr.Sarad K. Sunny & Mr.Tarang
Gupta, Advs.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% 26.02.2016

The petitioner has filed the present petition under Section 9 of the Arbitration & Conciliation Act, 1996. On 14th September, 2015 the following order was passed:

“1. Issue notice to the respondents by all modes including registered speed post and/or approved courier on filing process fee within one week returnable on 30th September, 2015. *Dasti* in addition. The affidavit of service, enclosing the tracking report of the postal authority and/or courier agency be filed by the petitioner at least one week before the next date of hearing.

2. Learned counsel for the petitioner submits that vide notice dated 31st August, 2015, the respondents have terminated the lease. Learned counsel for the petitioner submits that petitioner has paid rent to the respondents upto 30th September, 2015 and there is no outstanding rent on date. Learned counsel for the petitioner has handed over an affidavit with annexures which

is taken on record.

3. Both the parties shall file the statement of account of the rent, maintenance and other charges from the date of incorporation of the tenancy on affidavit before the next date of hearing.

4. The competent officers of both the parties shall remain present in Court on the next date of hearing.

5. Since the petitioner claims to have paid upto date rent, the respondent shall not disturb the peaceful possession of the petitioner in respect of the subject property till the next date of hearing.

6. Copy of this order be sent to the respondents along with the notice.

7. Copy of this order be given dasti to counsel for the petitioner under the signature of the Court Master.”

Learned counsel for the parties submit that the learned Arbitrator has already entered upon reference and the next date before the learned Arbitrator is fixed as 11th April, 2016. In these circumstances, the interim order passed on 14th September, 2015 would continue such time unless it is vacated or modified. Both counsel agreed that the present petition be treated as petition under Section 17 of the Act by the Arbitral Tribunal.

The petitioner to file the copies of pleadings before the Arbitrator within two weeks. Reply and rejoinder to this petition be filed by the parties directly before the learned Arbitrator.

The interim order dated 14th September, 2015 is accordingly continued till it is modified or vacated by the Arbitrator.

The petition is accordingly disposed of.

Learned counsel for the petitioner submits that the petitioner shall continue to pay the admitted rent and other liability to the respondents.

MANMOHAN SINGH, J.

FEBRUARY 26, 2016/vp