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

+ O.M.P.(I) 578/2015 & I.A. No.1696/2016

THE INDIAN AIRLINES PILOTS CO-OPERATIVE HOUSE  
BUILDING SOCIETY LTD.

..... Petitioner

Through Mr.Sandeep Sethi, Sr. Adv. with  
Ms.Anu Bagai, Adv.

versus

ESSEL HOUSING PROJECTS PVT. LTD. .... Respondent

Through Mr.Amit Sibal, Sr. Adv. with  
Mr.Tejveer S.Bhatia & Mr.Rohan  
Swarup, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**ORDER**

% **01.03.2016**

**I.A. No.1696/2016 (u/o 1 R.10 CPC for impleadment of Director  
General of Town and Country Planning, Haryana, as respondent No.2),  
by respondent and O.M.P. (I) No.578/2015**

The abovementioned petition was filed by the petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 seeking, *inter-alia*, the following reliefs:-

“(I) Pass an ex parte ad interim orders restraining the Respondent from raising any new construction on the area marked in colour red in the sanctioned plan dated January 28, 2013 or any other area in the Project Land which was vacant at the time of passing of the Arbitral Award.

- (2) Pass an ex parte interim order restraining the Respondent from creating any third party interests in the new construction on the area marked in colour red in the sanctioned plan dated January 28, 2013 or any other area in the Project Land which was vacant at the time of passing of the Arbitral Award;
- (3) Pass an ex parte ad interim order directing status quo with respect to construction as well as possession in the area under the possession of the Respondent in the Project Land;
- (4) Pass an ex parte ad interim order directing the Respondent to earmark assets/furnish security for the shortfall of land given to Petitioner calculated at the rate of Rs.48.25 crores per acre.
- (5) Pass any other or such further order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice, may also be passed.”

Pleadings are complete. It is the admitted position that the cross-objections filed by both the parties under Section 34 of the Arbitration and Conciliation Act, 1996 are already listed in the category of “Finals”, as informed by the learned counsel for the parties. Learned counsel for the petitioner states that the petitioner has no objection, if instead of hearing the present petition, let both the cross objection petitions, being O.M.P. Nos.709/2012 and 679/2012 be considered on merits.

Under these circumstances, the present petition is disposed of. Both the O.M.P. Nos.709/2012 and 679/2012 be listed on 23<sup>rd</sup> April, 2016, in the category of “Short Cause”. Pending application also stands disposed of.

**MANMOHAN SINGH, J.**

**MARCH 01, 2016/vp**