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

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O.M.P.(I) 622/2015

NCR SKYBUILD PVT LTD

..... Petitioner

Through: Mr. S.K. Dubey, Advocate.

versus

KRASA INTERNATIONAL PRIVATE LIMITED..... Respondent

Through: Mr. Manu Nayar, Mr. I.J. Sharma,
Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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14.12.2016

IA No. 26114 of 2015

1. With 12th December, 2016 being declared a holiday on account of Milad-Un-Nabi, the matter is taken up today.
2. Under Section 9(2) of the Arbitration & Conciliation Act 1996, amended with effect from 23rd October 2015 “the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the Court may determine”.
3. The interim order in this case was passed on 4th December 2015. The Petitioner did not within ninety days thereafter take the steps for commencement of the arbitral proceedings. It is stated that the petition under Section 11 (6) of the Act is going to be filed today and that the legal notice for the purposes of Section 21 of the Act was served on the Respondent two

months ago. In any event, even that is beyond the period of ninety days after the passing of the interim order.

4. In that view of the matter, the interim order dated 4th December 2015 is hereby vacated.

5. The application is allowed in the above terms.

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6. The petition is dismissed. This will however not preclude the Petitioner from seeking appropriate interim reliefs in the arbitral proceedings in accordance with law.

DECEMBER 14, 2016/mg

S.MURALIDHAR, J