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

+ O.M.P.(I) (COMM.) 55/2017

V2 RETAIL LIMITED

..... Petitioner

Through: Mr Vishwendra Verma and Mr
Yogesh Rathi, Advocates.

versus

GOVINDRAJ & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.02.2017

IA No.1518/2017

1. Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 55/2017

2. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter the 'Act'), *inter alia*, praying as under:-

- “a. to restrain the Respondent No.1, 2, 3 & 4, its agents, representatives, assignees, associates etc. from not to create any hindrance in freely using the property as the desire of the Petitioner.
- b. to restrain Respondent No.1, 2, 3 & 4 not to create any third party interest with respect of abovementioned property in para 5 of present petition.”

3. It is the petitioner's case that it had entered into an Agreement to Sell with the respondents on 16.10.2014 for sale of its property situated at

Krishnapur Village, Hubli Taluk District Dharwad, Karnataka (the property). It is claimed that the respondents had not performed their obligations and the petitioner had not conveyed the property to the respondents. According to the petitioner, the respondents have not any right or title to the said property and are also not in possession of the same.

4. It is seen that while the petitioner alleges that the respondents have failed to comply with the said Agreement to Sell, the reply of the respondents to the notice sent by the petitioner indicates that it is their case that the petitioner is not complying with the Agreement to Sell.

5. The petitioner has not produced any material which would evidence that any hindrance is being created by the respondents. Although the learned counsel for the petitioner states that the respondents are creating a nuisance at the site, there is no material to indicate the same. The petitioner has also not invoked the arbitration clause as yet. This court is not persuaded to accept that any interim orders of protection are warranted at this stage.

6. The petitioner may take steps for appointment of the Arbitral Tribunal for resolution of the disputes if so advised. It is clarified that nothing stated herein may be read as an expression of opinion on the disputes between the parties and the petitioner would be at liberty to approach the Arbitral Tribunal for interim relief as and when constituted.

7. The petition is disposed of.

8. Order *dasti*.

VIBHU BAKHRU, J

FEBRUARY 06, 2017

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