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

+ O.M.P.(I) (COMM.) 101/2016 & IA No. 15729/2016

M/S ISGEC HEAVY ENGINEERING LTD. Petitioner

Through: Mr Krishnendu Datta and Ms Sanjana
Saddy, Advocates.

versus

JSC TECHNOPROMEXPORT
& ANR.

..... Respondents

Through: Ms Spandana proxy for Ms Shobha
Gupta, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.01.2017

None appears for respondent no.1.

Mr Datta, learned counsel for the petitioner has drawn the attention of this Court to the order passed on 13.05.2016 which indicates that respondent no.1 has been served. However, despite service none is appearing on behalf of respondent no.1. Mr Datta further states that the petitioner had already taken steps for appointment of an Arbitral Tribunal; it has appointed its nominee arbitrator and in terms of the arbitration clause has also filed a request for appointment before the Indian Council of Arbitration.

In view of the above, the interim order passed on 30.03.2016 is made absolute and shall continue till the conclusion of the arbitration proceedings. However, the respondents would be at liberty to approach the Arbitral Tribunal as and when constituted for modification/vacation of the order

dated 30.03.2016. The Arbitral Tribunal is not precluded from varying or vacating the order passed by this Court. It is further clarified that in the event, the respondents approach the Arbitral Tribunal for modification/vacation of the order dated 30.03.2016, the same shall be considered by the Arbitral Tribunal uninfluenced by any observation made in the order dated 30.03.2016.

The petition and the pending application stand disposed of.

VIBHU BAKHRU, J

JANUARY 06, 2017
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