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

+ O.M.P.(I) (COMM.) 117/2016

KOPASTIN HOLDING LIMITED

..... Petitioner

Through Mr.Kapil Arora & Mr.Madhav
Khosla, Advocates.

versus

UDAY BAHADUR & ANR.

..... Respondents

Through Mr.Arun Kathpalia, Sr.Advocate with
Mr.P.R.Rajhans & Mr.Neeraj Kapoor,
Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **26.07.2017**

1. This petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking interim relief against the property located at Village Nistauli, Loni Road, Ghaziabad and against the property in the name of respondent No.1 at C-424, Defence Colony, New Delhi- 110024.
2. On 25.04.2016 this court passed an interim order directing respondents to maintain *status quo* in respect of the property at Village Nistauli, Loni Road, Ghaziabad and undivided share of respondent No.1 in property at C-424, Defence Colony, New Delhi- 110024.
3. In an appeal filed before a Division Bench against the said order, the Division Bench set aside the said order dated 25.04.2016 and remanded the matter back to this court, however the interim order dated 25.04.2016 continued to enure till disposal of the petition.
4. Today, I have been informed pursuant to the orders of the Supreme Court, Mr.Justice R.C.Chopra, J.(Retd.) has been appointed as the sole arbitrator to adjudicate the disputes between the parties.

5. Accordingly, the learned counsel for the petitioner has submitted that the petitioner would be willing to agitate the present issue before the learned arbitrator in the form of appropriate proceedings under Section 17 of the Act.

6. The learned senior counsel for the respondents, however, submits that the property in Defence Colony is a residential property of the respondents and has absolutely nothing to do with the dispute. He also submits that the Division Bench in its order has noted that grave injustice had been caused to the respondents on account of the interim order passed without giving any appropriate reasons. He submits that he has no objection in case the present petition is to be treated as a petition under Section 17 of the Act as his only concern is that the objections of the respondents should be efficaciously adjudicated upon either by this court or by the learned arbitrator.

7. Keeping in view of the above, the present petition is disposed of converting the same into a petition under Section 17 of the Act. The petitioner will file a complete copy of the petition and other pleadings before the learned arbitrator. The learned arbitrator is requested to expeditiously dispose of the said petition keeping in view the order passed by the Division Bench.

8. Interim order passed by this court dated 25.04.2016 shall continue until it is confirmed/modified/vacated by the learned arbitrator. Petition stands disposed of.

JAYANT NATH, J.

JULY 26, 2017/v