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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 144/2016

CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LIMITED

..... Petitioner

Through: Mr S.K. Tripathi, Advocate

versus

ARVINDER SINGH NANDA & ORS.

..... Respondent

Through: None

CORAM: JUSTICE S.MURALIDHAR

ORDER

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09.03.2017

1. It is stated that the mediation has not been successful.
2. On the last date of hearing i.e., 16th November, 2016, the Court had made it clear that the Petitioner will take steps, if it has not already done so, to have an Arbitrator appointed with advance intimation to the Respondent in the event the mediation was not successful.
3. Learned counsel for the Petitioner submitted that he is unable to inform the Court whether an arbitrator has been appointed.
4. The interim order dated 28th May, 2015 passed by this Court is directed to continue till the learned Arbitrator modifies, varies or vacates it in accordance with law in an application moved under Section 17 of the Arbitration and Conciliation Act, 1996 by either party. It will be open to the

parties to seek further interim reliefs in the arbitral proceedings.

5. The petition is disposed of.

S.MURALIDHAR, J

MARCH 09, 2017

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1. Later, Mr Manjit Singh Ahluwalia, learned counsel for the Respondents appeared and informed the Court that the Respondent has received a copy of an *ex parte* Award dated 9th December, 2016 from the Arbitrator which fact was not informed to this Court by the Petitioner.

2. In that view of the matter, the above order is recalled.

3. Since the Award has already been passed, this petition has become infructuous and is dismissed as such.

4. It will be open for the Respondents to seek appropriate remedy *qua* the said Award in accordance with law.

S.MURALIDHAR, J

MARCH 09, 2017

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