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

\+ LPA 263/2017 & CM No.13695/2017

BALBIR PRASAD GUPTA & ORS ..... Appellant
Through: Mr. Ravinder Kumar Yadav, Mr. Vinay Mohan Sharma and Ms. Arti Anupriya, Advs.

versus

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD ..... Respondent
Through: Mr. Pallav Saxena, Ms. Shweta Kapoor, Advs. with Mr. Ravinder Dhillon, AR

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% **18.04.2017**

1. The appellant assails the interim order dated 30th March, 2017 passed in W.P.(C) No. 2880/2017 and CM No.12591/2017 whereby the learned Single Judge has granted stay of the operation of the impugned order dated 10th March, 2017 which had been passed by the Chief Metropolitan Magistrate, North, Rohini Courts appointing a receiver in respect of original premises occupied by the petitioner with regard to amounts claimed by the respondent. An ex-parte arbitral award dated 17th July, 2015 stands passed against the respondent for the amount.

The stay granted in the order dated 30th March, 2017 was conditional upon the appellant depositing a sum of ₹50 lakhs in court within two weeks of the order. We find that in para 7, the court has noted the statement made on behalf of the appellants that they were ready and willing to deposit some amount in court to show their bonafide. The condition of payment imposed in the impugned order is thus based on the statement made on behalf of the appellants. The present appeal challenging the condition is, therefore, completely misconceived.

At this stage, a prayer is made on behalf of the appellant that the time for deposit as granted by the learned Single Judge in para 8 of the order dated 30th March, 2017 to be extended by a period of four weeks from today. It is so extended.

2. The appeal and the application are dismissed subject to the extension for compliance of the order dated 30th March, 2017 in the above terms.

Dasti to parties.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

APRIL 18, 2017/kr