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

\+ O.M.P.(I) (COMM.) 156/2017

PRABHAT KUMAR SRIVASTAVA & ORS. ..... Petitioners

Through Mr. Arvind K Nigam, Sr. Advocate with Mr. Harsh Sethi, Mr. Mikhil, Mr. Himanshu and Mr. Akshay, Advocates.

Versus

VPS HEATHCARE PRIVATE LIMITED & ORS. ..... Respondents

Through Mr. Sandeep Sethi, Sr. Advocate with Mr. Nikhil Rohatgi, Mr. Shashank Khurana & Mr. Mohit K Chand, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

<u>O R D E R</u>

% 17.04.2017

<u>IA No. 4467/2017</u>

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

<u>CAV No. 360/2017</u>

The learned counsel for the respondents has entered appearance.

The caveat stands discharged.

<u>O.M.P.(I) (COMM.) 156/2017</u>

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) Restrain the Respondent No.1 from creating any third party interest over the assets and Equity Shares of R.H.L./Respondent No.3 till the adjudication of the aforesaid disputes by the arbitrator between the parties;
>
> b) Appoint a receiver to manage, control and look after the day to day affairs of R.H.L./Respondent No.3;
>
> c) Appoint a receiver to ensure that the documents and agreements entrusted upon the Federal Bank/Respondent No.2 by the Petitioners and which are also enlisted in the acknowledgement receipt signed by the Respondent No.2 are not destroyed, tampered or modified in any manner."

After some arguments, Mr. Nigam, learned senior counsel appearing for the petitioners states that the petitioners would be satisfied at this stage if inspection of all the documents available with the Federal Bank and photocopies of all such documents are furnished to them. He further states that the petitioners would agitate other reliefs before the Arbitral Tribunal at the appropriate stage.

Mr Sethi, learned Senior counsel appearing for the respondent has no objection to the same. In view of the above, this petition is disposed of by directing respondent no.2 (Federal Bank) to provide inspection of all the documents connected with the transaction entered into between petitioner and respondent no.1 in relation to sale of shares of respondent no.3 company, as are available with respondent no.2.

Respondent no.2 would also furnish photocopies of all such relevant documents subject to payment of reasonable costs as may be incurred by respondent for the photocopying such documents.

Order *dasti* under signatures of Court Master.

VIBHU BAKHRU, J

APRIL 17, 2017
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