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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 369/2016 & IA No. 13617/2016

CARGILL INDIA PVT. LTD

..... Petitioner

Through: Ms. Shadan Farasat with Mr. Ahmed
Said and Ms. Wansha Farasat, Advocates.

versus

**GIRDHARILAL SUGAR AND ALLIED INDUSTRIES
LTD**

..... Respondent

Through: Ms. Maneesha Dhir with Mr. Karan
Batura, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

08.02.2017

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1. Under Section 9 (3) of the Arbitration and Conciliation Act, 1996 ('Act') once the Arbitral Tribunal ('AT') has been constituted, the Court "shall not entertain an application under sub-section (1), unless the Court finds that circumstances exist which may not render the remedy provided under Section 17 efficacious".

2. Learned counsel for the Petitioner submits that the Petitioner does not have an efficacious remedy before the learned Arbitrator before whom the next hearing is fixed on 8th March, 2017, is not efficacious. However, the Court is not satisfied that the reliefs sought in the present petition cannot be sought before the learned Arbitrator under Section 17 of the Act particularly

considering that after the amendments to the Act with effect from 23rd October 2015, the scope of Section 17 of the Act is on par with the powers of the Court under Section 9 of the Act.

3. It will be open to the Petitioner to rely on the pleadings in the present petition including the report of the Local Commissioner before the learned Arbitration in support of the pleas in the application under Section 17 of the Act.

4. The petition is disposed of in the above terms.

S.MURALIDHAR, J

FEBRUARY 08, 2017

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