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

+ **FAO(OS) (COMM) 105/2017**

M/S SPML INFRA LIMITED

..... Appellant

Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Samrat Sengupta & Mr.
Udayaditya Banerjee, Advocates

versus

M/S VISHAL NIRMITI PVT LTD

..... Respondent

Through: Mr. Atul Chitale, Sr. Advocate with
Ms. Shivangi Khanna and Mr.
Gurjyot Sethi, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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12.05.2017

Counsel for the respondent is present on advance notice.

The present appeal is directed against the *ex parte* interim order dated 08.05.2017 which restrains the appellant from entering the premises; Plot No. 57, Village Bhojarasar, Tehsil Sardar Shar, Hanumangarh Megha Highway (NH-65), Rajasthan and from removing goods.

Learned Senior counsel appearing for the appellant highlights that there is urgency as failure to complete the work would result in damages which ultimately may have to be borne and paid by the respondent.

Learned counsel for the appellant submits that the time limit for completion of work mentioned in the contract is 31.10.2017. To

ensure timely completion, the appellant states that he is even ready and willing to withdraw the termination letter dated 26.04.2017.

Learned counsel for the respondent disputes the said contentions and submits that these aspects can be raised/pleaded in the application for vacation or modification of the *ex parte* interim order. The respondent, states that he would not oppose immediate hearing of any such application. On the second aspect, learned counsel for the respondent submits that he would have to obtain instructions.

In view of the statement made before us, we would dispose of the appeal observing that the appellant may move an application for vacation/modification and we perceive and believe that the appellant and the respondent will be heard, and the application will be taken up for hearing and decision as expeditiously as possible.

The appeal is disposed of.

SANJIV KHANNA, J

ANIL KUMAR CHAWLA, J

MAY 12, 2017/P