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

+ O.M.P.(I) (COMM.) 462/2016

BHARTI INFRATEL LTD.

..... Petitioner

Through: Ms Shweta Bharti, Ms Swet Shikha
and Ms Agniva Ghosh, Advocates.

versus

VIDEOCON TELECOMMUNICATIONS
LIMITED

..... Respondent

Through: Mr Yash Vardhan, Mr Soumik
Ghosal and Mr Devender Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.05.2017

1. The learned counsel for the parties state that the respondent has already preferred an appeal against the *ad interim* order dated 05.12.2016 which is now listed before the Division Bench of this Court on 02.08.2017 along with a batch of matters concerning similar issues.
2. The learned counsel for the petitioner requests that in the circumstances, the present petition may be disposed of confirming that the order passed on 05.12.2016 shall continue till the conclusion of the arbitration proceedings. She further prays that directions be also issued to the respondent to remove the equipment from the towers owned by the petitioner. The learned counsel for the respondent has no objection for removal of the equipment in question. He, however, states that the exercise would require approximately 3 to 4 months.

3. Considering the aforesaid circumstances, it is directed that the order dated 05.12.2016 shall continue till the conclusion of the arbitration tribunal. Further, it is clarified that neither party is precluded from seeking any modification or vacation of the interim order before the arbitral tribunal (as and when constituted).
4. It is further clarified that the arbitral tribunal shall consider any such application for modification/vacation of the order uninfluenced by any observations made by this Court in this petition.
5. In view of the statement of the learned counsel for the respondent, the respondent shall also remove its telecom equipment from the towers in question as early as possible in any event not later than four months from today.
6. The petition is disposed of.

VIBHU BAKHRU, J

MAY 16, 2017
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