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

+ O.M.P.(I) (COMM.) 483/2016

PROOF OF PERFORMANCE PVT. LTD Petitioner

Through: Mr Vinit Trehan, Advocate.

versus

RAHUL MISHRA & ANR.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.02.2017

At the last hearing on 04.01.2017, respondent no.2 was present in the Court and had confirmed that he would not use the Confidential Information including the Stringer Database, Source Code of the Unique Audit Software and the Client Database prepared by the petitioner. It was also submitted that respondent no.2 is no longer involved in the activities as alleged by the petitioner. An affidavit to the aforesaid effect has been filed by respondent no.2 and the same is taken on record.

None appears for respondent no.2 although it is stated by the learned counsel for the petitioner that respondent no.1 has been served. In the aforesaid circumstances, the order passed on 04.01.2017 is made absolute till the conclusion of the arbitral proceedings. This order is subject to the petitioner invoking the arbitration clause and ensuring that the arbitral tribunal is constituted within a period of 90 days from today.

The petition is disposed of.

FEBRUARY 08, 2017
MK

VIBHU BAKHRU, J