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

+ **FAO(OS) 228/2017**

VIPIN SEHGAL Appellant

Through: Mr. Pravir K. Jain, Adv.

versus

M M T C LIMITED & ANR Respondent

Through: Nemo.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **23.08.2017**

CM No.29042/2017 (exemption)

Allowed, subject to all just exceptions.

CM stands disposed of.

FAO (OS) No.228/2017 & CM No.29041/2017

1. The appellant assails the order dated 11.07.2017 passed in I.A. No.4515/2017 in O.M.P. No.47/2004 titled MMTC Ltd. vs. M/s Sangeeta Jewellers Pvt. Ltd. CA+.

2. It appears that the award dated 09.05.2002 was made against M/s Sangeeta Jewellers Pvt. Ltd. quantifying the liability over Rs.58 lakhs. The MMTC filed a petition being O.M.P. No.47/2004 under Section 9 of the Arbitration and Conciliation Act, 1996 seeking a direction that the passport of the appellant be seized and he may be restrained from leaving the territorial jurisdiction of this

Court until he furnishes security for his appearance before this Court. Another direction was also sought that the appellant be present in the Court to show cause as to why he should not furnish security for his appearance or in the alternative he should be directed to deposit in this Court such sums as may be sufficient to satisfy the claim of the respondent herein. It is to be noted that the appellant is the promoter Managing Director of M/s Sangeeta Jewellers Pvt. Ltd.

3. In this case, an interim order was passed against the appellant herein on 24.05.2011. The respondent claims that as on 25.03.1996, there was an outstanding balance of Rs.58,52,484/- payable by the appellant herein. The award was for a sum of Rs.1,02,06,151/-. O.M.P. No.47/2004 came to be allowed by an *ex parte* order dated 24.05.2011 directing the appellant herein to furnish the security for the awarded amount. It was further directed that in case the security is not so furnished, the appellant herein shall stand restrained from leaving the territorial jurisdiction of this Court until further orders.

4. The appellant placed before us the order dated 30.05.2017 passed in I.A. No.6624/2017 in O.M.P. No.47/2004 wherein his application for modification of the order dated 24.05.2011 was modified to the extent that he was permitted to travel to UAE for a period of one week subject to furnishing of a security/FDR for a sum of Rs.5 lakhs. The appellant gave an undertaking that he owns

a share in the immovable property being Bungalow No.8, Rajpur Road was accepted. It was directed that the appellant shall remain bound by his undertaking that he will not sell, alienate or transfer his undivided share in the said property till further orders.

5. The appellant is aggrieved by the order dated 11.07.2017 passed in I.A. No.4515/2017 whereby he is denied permission to travel Dubai to procure metal scrap to be exported to India. By this order, the learned Single Judge has granted permission to the appellant to travel abroad subject to furnishing security for another sum of Rs.20 lakhs in addition to the security deposit pursuant to order dated 30.05.2017.

6. We are of the view that the matter involves a large amount of public funds. Despite the Award has been given against the appellant herein, who is the promoter Managing Director of the company, the same remains unpaid till date.

7. Nothing has been pointed out to us which would make us to take a view different from that of the learned Single Judge.

8. This appeal is accordingly dismissed.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 23, 2017/pmc
FAO(OS) No.228/2017

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