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

+ O.M.P.(I) (COMM.) 308/2017

HERO FINCORP LIMITED

..... Petitioner

Through Mr.Rajat Katyal, Advocate

versus

PETROLUBE INDIA LTD & ORS.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **21.09.2017**

The petitioner has filed an affidavit of service. Despite service, none has appeared for the respondents.

The learned counsel for the petitioner submits that the receiver appointed by this court had gone to site to take possession of the equipments but has not been able to take the equipments in possession.

I am also informed that the petitioner is going to take steps for appointment of an arbitrator within three weeks.

On the petitioner taking steps for appointment of an arbitrator within three weeks, the order dated 23.08.2017 is confirmed subject to the modification that the receiver in case is able to take into possession the equipments, he may return it on superdari to the respondents only on the respondents paying overdue amount to the petitioner.

The above order shall continue to operate till pendency of the arbitration proceedings or until it is modified, or vacated by the learned

arbitrator on an appropriate application filed by either of the parties.

In the eventuality, if the receiver seeks to take possession of the said equipments, the SHO of the concerned Police Station shall provide adequate police protection to the receiver for the said purpose.

Dasti.

JAYANT NATH, J.

SEPTEMBER 21, 2017/v