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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 330/2017
S. MOBILE DEVICES LIMITED Petitioner
Through: Mr. Rupesh Gupta, Advocate

versus

3RD DIMENSION ARCHITECTURE DESIGN
STUDIO Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **13.10.2017**

This petition is filed under Section 9 of the Arbitration & Conciliation Act, 1996 seeking grant of interim measure. Some of the facts of the case are that an agreement was executed between the parties. The petitioner appointed the respondent to carry out work pertaining to the civil works, interior designs and decoration at the corporate office of the applicant, situated at Unit No. B-303, third floor, Tower B, Advant Navis Park, Sector 142, Noida.

As per the office report, the respondent is served. The petitioner has also filed an affidavit of service. None has appeared for the respondent. The respondent is proceeded against *ex parte*.

Learned counsel for the petitioner points out that in terms of the agreement between the parties, advances were given to the respondent for carrying out the interior designs and decorations and civil work of the corporate office of the petitioner.

It is urged by learned counsel for the petitioner that apart from

the damages which are claimed a sum of Rs. 1,21,00,000/- has been given in advance which is still lying outstanding with the respondent. He also relies on e-mail dated 03.06.2016 where he submits that the respondent has admitted this outstanding amount. He submits that the respondent is absconding and in the eventuality of an award being passed in favour of the petitioner, the petitioner may apprehend that they will be left with the paper decree.

Accordingly, let a direction be issued to the respondent to deposit with the Registrar General of this Court a sum of Rs. 1,20,00,000/- within four weeks from today.

This petition is disposed of.

A copy of this order will be given Dasti to the petitioner for service on the respondent.

JAYANT NATH, J.

OCTOBER 13, 2017/P