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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 8/2018**

MOHAN MEAKIN LTD Petitioner
Through Mr.Raman Kapur, Sr. Adv. with
Mr.P.K. Mittal, Adv.

versus

INTERNATIONAL BREWERIES (P)LTD Respondent
Through Mr.D.Moitra, Mr.Abhishek Gautam
and Ms.Suruchi Mittal, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **09.01.2018**

IA No.328/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 8/2018

This is a petition under Section 9 of the Arbitration & Conciliation Act, 1996 praying therein that the respondent be restrained from receiving the amount of Rs.70 lacs which is lying deposited with this Court pursuant to the order dated 28.7.2010 in OMP 337/2018. Though, the said order is not on record in this petition, it is submitted by learned senior counsel for the petitioner that the said order had directed the respondent to deposit a sum of Rs.70 lacs in the name of Registrar General of this Court, which was to be retained/disbursed in accordance with the order that may be passed by the Sole Arbitrator on an application seeking interim measures.

The Arbitrator by way of an Interim Award dated 22.11.2011 had ordered release of the said amount in favour of the respondent. The said

Award was challenged by the petitioner by way of OMP 21/2012, which is pending adjudication.

The Arbitrator has now passed a final Award dated 25.02.2017, which also has been challenged by way of OMP(COMM) 115/2017 and is pending adjudication.

As the arbitration proceedings had commenced prior to the coming into force of Arbitration and Conciliation (Amendment) Act, 2015, in view of the Judgment of this Court in *Ardee Infrastructure Pvt. Ltd v. Ms.Anuradha Bhatia*, (2017) 237 DLT 140 (DB) the interim or the final Award have not become enforceable.

In view of the above, learned senior counsel for the petitioner seeks leave to withdraw the present petition with liberty to file afresh in case need arises.

The petition is accordingly dismissed as withdrawn with liberty as prayed for.

NAVIN CHAWLA, J

JANUARY 09, 2018/Arya