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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 128/2018 & I.A. No.6022/2018
MS. AFSHAN JAPANWALA IQBAL & ANR.

..... Petitioners

Through Mr. Gaurav Duggal, Adv.
versus

M/S. GILLI INDIA LTD.

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **13.12.2018**

1 This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act').

2 Today, I have disposed of a petition preferred under Section 11 of the 1996 Act, being Arb. Petition No.387/2018 whereby an Arbitrator has been appointed.

3 Notice in the instant petition was issued on 20.03.2018. Thereupon, on 04.04.2018, this Court appointed a Local Commissioner who was, inter alia, mandated to break open the locks of the leased premises which are described as plot No.27, Block 134, known as 58, Janpath, New Delhi (hereafter referred to as the 'leased premises').

4 I am told by Mr. Duggal that the Local Commissioner executed commission, as directed by this Court and has filed his report with this Court.

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5 To be noted, the substantive prayers made in the captioned petition are as follow:

“a. By way of an Ex-Parte, interim order appoint an Advocate of this Hon'ble Court as a Local Commissioner and direct him to break open the locks of premises bearing No.58, 1st Floor, Janpath, New Delhi having a built up area of 2750 sq. feet., and handover the keys of the same to the petitioners or their authorized representative.

b. Direct the Respondent Company to deposit the arrears amounting to Rs.88,54,223 (Rupees Eighty Eight Lakhs Fifty Four Thousand Two Hundred And Twenty Three), before this Hon'ble Court.”

6 Besides this, the petitioners have also filed an application in the captioned petition i.e. I.A. No.6022/2018. Via the said application, the petitioners seek directions qua the Local Commissioner in terms of paragraph 11 of the said interlocutory application.

7 Having regard to the fact that an Arbitrator has already been appointed by this Court, in my view, both the petition as well as I.A. No.6022/2018 can be placed before him for issuance of appropriate directions in the matter. It is ordered accordingly.

7.1 Learned Arbitrator will treat the petition as well as the interlocutory application as application under Section 17 of the 1996 Act. Learned Arbitrator will pass all such directions as may be necessary in the interest of the parties and the case. Learned Arbitrator, while passing the order, will also take into account the report filed by the Local Commissioner appointed by this Court.

8 Petition and the interlocutory application are disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

DECEMBER 13, 2018

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