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

+ O.M.P.(I) (COMM.) 133/2018

HERO FINCORP LIMITED

..... Petitioner

Through: Ms Arushi, Advocate.

versus

GOPSONS PRINTERS PRIVATE LIMITED
& ORS.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.05.2018**

1. The petitioner has filed the present petition 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

- “(i) Appoint Mr. Vicky Grover, the officer of the Petitioner or any other person which this Hon'ble Court may deem fit, as a Receiver, with directions to take custody of the following machinery, by removing the same from the possession and custody of the Respondent and/or by removing the same from the possession and custody of any third person:
- (ii) Direct that the Receiver so appointed be authorized to take necessary police aid, for taking the possession/custody of the said machinery and accordingly the SHO(s) / Officer(s) Incharge, in whose jurisdiction, the machinery is found, be directed to provide necessary police aid to the Receiver, so appointed, for executing the orders of this Hon'ble Court;

- (iii) Direct the Receiver so appointed, to handover the said machinery to the Petitioner Company
- (iv) Permit the Petitioner, after having been handed over the possession and custody of the said machinery, in terms of the above prayer, to sell/transfer the said machinery to third person(s) for recovering its dues;
- (v) Restrain the Respondent, from selling, alienating, transferring or in any manner disposing off/handing over the said machinery in favour of any third person/entity, other than the Petitioner;
- (vi) Grant the aforesaid orders *ex-parte* in terms of the above prayers, and
- (vii) Confirm the same after notice and;
- (viii) Award the cost of the Petition in favour of the Petitioner and against the Respondent.”

2. The above petition was listed before the Court on 23.03.2018 and this Court passed the following directions:-

“3. Issue notice to the respondents by speed post as well as one of the approved couriers, returnable on 29.05.2018. *Dasti* in addition.

4. In the meantime, the respondents are restrained from selling, alienating, transferring, parting with possession or creating any third party interest in any of the movable or immovable properties as indicated in paragraph 7 (v) of the petition.”

3. Although, the respondents have been served, none appears on their behalf. In the circumstances, the order passed on 23.03.2018 is made absolute till the conclusion of the arbitral proceedings.

4. It is clarified that this will not preclude either of the parties from

approaching the Arbitral Tribunal to seek further orders or to seek modification/vacation of the above mentioned order.

5. The petition is disposed of.

6. Order *dasti*.

VIBHU BAKHRU, J

MAY 29, 2018

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