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

+ **O.M.P.(I) (COMM.) 142/2018**

**ZEE ENTERTAINMENT ENTERPRISES
LIMITED**

..... Petitioner

Through Mr Parag P. Tripathi, Senior Advocate
with Mr Rahul Beruar, Mr Sudhir Mishra,
Ms Ritwika Ananda, Ms Sarita Rout, Mr Rishab,
Mr Shikhar, Advocates

versus

SHABNAM DHILLON & ORS.

..... Respondents

Through Mr Rajiv Nayar, Senior Advocate with
Mr Niti A. Sachar, Advocates for
R-1,2,5 to10,14,15.
Mr Kunal Sinha, Advocate for R11,12 & 13.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.03.2018

IA No. 4149/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

O.M.P.(I) (COMM.) 142/2018

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

“a. grant an *ex parte ad interim* injunction restraining Respondent Nos. 5 to 15 and all other group/associate/affiliate/subsidiary

companies and entities owned and controlled by the Respondent No. 1 from transferring, selling, alienating or otherwise disposing of any of their respective investments, movable and immovable assets;

b. appoint a Receiver with all the powers under Order XL Rule 1 of the Code of Civil Procedure, 1908 as receiver of the 44,10,000 shares of Prius Commercial Projects Pvt. Ltd. and 33,060 shares of Triple Ess Realtors Pvt. Ltd. including without limitation powers of (a) exercising Respondent No. 1's voting rights in respect of her all equity shares of Respondent Nos. 5 to 15 on any resolution in connection with transfer, sale, alienation or otherwise disposal of their respective investments, movable and immovable assets;

c. direct that all Board decisions and corporate actions of the Respondent No.5 and 15 in connection with transfer, encumbrance, sale, alienation or otherwise disposal of their respective investments, movable and immovable assets can be taken only with the approval of the Court;

d. direct Respondent No. 1 to disclose on oath the fair market value and details of all movable and immovable, tangible and/or intangible assets alongwith details of encumbrances, including intellectual property rights and negative rights and receivables from third parties, bank accounts and other securities held whether owned and/or occupied by or any other third party, whether such assets and/or properties may be located within India or outside held by Respondent Nos. 5 to 15 and other group/associate/affiliate/ subsidiary in which Respondent No. 1 holds the ownership stake, whether directly or through any other entities;"

4. Mr Parag P. Tripathi, the learned Senior Counsel appearing for the petitioner states that an Arbitral Tribunal has already been constituted and is in seisin of the disputes. It is seen that the Arbitral Tribunal has also passed

an order under Section 17 of the Act. Mr Tripathi states that notwithstanding the same, the petitioner has approached this Court as respondent nos. 5 to 15 are not parties to the arbitration agreement and substantial wealth of respondent no. 1 is represented by assets owned by those companies.

5. Mr Rajiv Nayar, the learned Senior Counsel appearing for all the respondents, other than respondent nos. 3, 4, 11, 12 & 13, states that the present petition is not maintainable in view of the Section 9(3) of the Act and the petitioner has an efficacious remedy of approaching the Arbitral Tribunal. He also fairly states that the respondents will not take any objection on the ground that they are not parties to the arbitration agreement in any application that may be moved by the petitioner under Section 17 of the Act. The learned counsel appearing for respondent nos. 11, 12 & 13 also concurs with the said submission, while reserving all the rights to oppose any prayer for interim measures of protection on merits.

6. In view of the above stand of the respondents, Mr Tripathi seeks to withdraw the present petition.

7. The petition is dismissed as withdrawn.

8. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

MARCH 23, 2018

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