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

+ O.M.P.(I) (COMM.) 109/2017

DHRUV ANSHU BUILDERS AND
PROMOTERS

..... Petitioner

Through: Counsel for the petitioner (appearance
not given).

versus

PUSHPA BUILDERS LTD & ORS.

..... Respondents

Through: Mr Vaibhav Suri, Advocate for R-1 &
R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.03.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) pass an order thereby restraining the Respondents from selling, transferring, mortgaging or otherwise creating third party interest in the land measuring about 24,805 Sq. Yards on the main Road in Vaishali, Ghaziabad comprising of khasra nos. 268/3, 273, 274, 275, 277/1, 277/2, 283, 284 and 285 in village Hasanpur Bhovapur, Pargana Loni, Vaishali, Ghaziabad.”

2. The present petition was moved on 08.03.2017 and an *ad interim* order was passed by this Court restraining respondent nos.1, 2 & 3 from selling, transferring, further encumbering or in any manner alienating the land measuring about 24,805 sq. yards on the main road in Vaishali, Ghaziabad comprising of Khasra Nos.268/3, 273, 274, 275, 277/1, 277/2, 283, 284 and 285 in Village Hasanpur Bhovapur, Pargana Loni, Vaishali, Ghaziabad.

3. It is seen that almost a year had passed and although it is stated that the notice invoking the arbitration clause was issued on 03.03.2018, the petitioner has not taken effective steps for constitution of the Arbitral Tribunal.
4. The learned counsel appearing for the petitioner further states that the main counsel who had filed the present petition expired on 31.10.2017.
5. This Court was inclined to vacate the interim order and dismiss the petition in view of the inordinate delay on the part of the petitioner. However, considering the mitigating circumstances, this Court considers it apposite to extend the *ad interim* order passed on 08.03.2017 for a further period of 45 days. It is so directed.
6. The petitioner would be at liberty to take effective steps for constitution of the Arbitral Tribunal within the abovementioned said period. It would be open for the petitioner to approach the Arbitral Tribunal, as and when constituted, for such interim relief as the petitioner may be advised including extension of the *ad interim* order passed on 08.03.2017. The respondents would also be at liberty to seek vacation/modification of the aforesaid order. Needless to state that any such prayer made by the parties shall be considered by the Arbitral Tribunal uninfluenced by any order passed by this Court in these proceedings.
7. The petition is disposed of with the aforesaid observations.
8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 05, 2018
MK