

\$~61

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

+ **FAO(OS) (COMM) 60/2018 & CM APPL. 13622-23/2018**

BBI FITNESS SERVICES PVT LTD & ORS Appellants
Through: Mr. Vikas Singh, Sr. Advocate with
Mr. Vishesh Issar, Mr. Rahul Dhawan
and Mr. Varun Sharma, Advocates.

versus

SHOPLERS E TRADE PVT LTD & ORS Respondents
Through: Mr. Shubhankar Sen, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **09.04.2018**

CM APPL. 13623/2018 (*for exemption*)

Allowed, subject to all just exceptions.

FAO(OS) (COMM) 60/2018 & CM APPL. 13622/2018 (for stay)

This appeal is directed against the order dated 19.03.2018 of the learned Single Judge.

It is contended that the appellant cannot be restrained from giving effect to a notice which terminated its Franchisee Agreement/Contract.

The record would reveal that initially an ex-parte ad-interim order was made on 24.01.2018 and the petition under Section 9 of the Arbitration and Conciliation Act 1996 was directed to be listed after

notice on 07.05.2018. In the meanwhile, the appellant moved the learned Single Judge for variation of the order stating that the contract itself stood terminated. In these circumstances, the learned Single Judge directed the interim injunction to continue and listed the petition for further orders and proceedings on 20.07.2018.

Having considered the circumstances, this Court is of the opinion that the learned Single Judge should take up both the applications and pass orders as expeditiously as possible.

In these peculiar circumstances, the date originally granted for hearing of the petition i.e. 07.05.2018 shall bind the parties, who shall be present before the learned Single Judge on that day. Registry shall ensure that the OMP (I) (Comm) 38/2018 is listed before the concerned Commercial Court on 07.05.2018.

The appeal is disposed of in the above terms along with the pending application.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 09, 2018

nn