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

+ O.M.P.(I) (COMM.) 170/2018 & I.A. No. 5216/2018

RAMESTH CONSTRUCTIONS PVT. LTD. Petitioner

Through: Mr. Avinash Trivedi with Mr. Umesh
Kashyap, Advs

Versus

NIRALA HOUSING PVT. LTD. Respondent

Through: Mr. Swetank Shantanu with Mr.
Pratap Shanker, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **06.08.2018**

1. I am informed that pleadings in the matter are complete.
2. Hon'ble Ms. Justice Manju Goel, Former Judge of this Court is appointed as an Arbitrator in the matter.
3. Order to that effect is passed in Arbitration Petition No. 466/2018
4. The record shows that on 18.04.2018, an interim order was passed in the captioned petition.
5. Furthermore, counsel for the petitioner wants an inventory to be taken of the machine and equipment, which, according to the petitioner is available at the subject site.
6. Counsel for the respondent says that the learned arbitrator could treat this petition as one filed under Section 17 of the Arbitration and Conciliation Act, 1996 and thereafter, proceed to pass appropriate

orders upon hearing the counsel for the parties in the matter.

7. Accordingly, as agreed by counsel for the parties, the captioned petition is disposed of with the aforesaid directions:-

(i) Captioned petition will be placed before the learned Arbitrator who would treat the same as an application under Section 17 of the Arbitration and Conciliation Act, 1996.

(ii) Since, the Arbitration proceedings are to be proceeded under the aegis of Delhi International Arbitration Centre (DIAC) and there is urgency in the matter with regard to the petitioner's request to have the machine and equipment available at the subject site inventorised, the Coordinator is directed to place the petition before the learned Arbitrator for appropriate orders on 21.08.2018 at 3:00 pm.

(iii) In case, the aforesaid date is not convenient to the learned Arbitrator, the learned Arbitrator is requested to give another date which would be proximate to the date given by the Court.

(iv) Furthermore, the interim order dated 18.04.2018 will continue to operate till such time the captioned petition is disposed by the learned Arbitrator.

(v) Needless to say, the learned Arbitrator will have liberty to either affirm or, vacate or even modify the order dated 18.04.2018.

8. The Registry will dispatch a copy of this order to the learned Arbitrator and the Coordinator, DIAC, at the earliest.

9. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

AUGUST 06, 2018/c
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