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

+ O.M.P.(I) (COMM.) 195/2018 & I.A. No. 5844/2018

VISTRA ITCL (INDIA)LIMITED (FORMERLY KNOW AS IL &
FS TRUST COMPANY LIMITED) Petitioner

Through: Mr. Arun Kathpalia, Senior
Advocate with Mr. Mohit Singh and
Mr. Rakesh Sinha, Advs

versus

PRANAV ANSAL & ANR. Respondents

Through: Mr. Sanjiv Sen, Senior Advocate
with Mr. Gaurav Varma, Adv for
respondent no. 1
Mr. Vijay Nair with Mr. Shubham
Paliwal, Advs for respondent no. 2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **07.08.2018**

1. Counsel for the parties inform me that Arbitral Tribunal has been constituted.
2. In these circumstances, counsels further agree that captioned petition can be referred to the Arbitral Tribunal and that the Arbitral Tribunal may treat the same as a petition filed under Section 17 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act').
3. It is further agreed that the interim order passed on 01.05.2018 will continue till such time Arbitral Tribunal renders a decision in the petition.

4. In these circumstances, the petition is disposed of with the following directions:-

- (i) The petition will be placed before the Arbitral Tribunal.
- (ii) The Arbitral Tribunal will treat the petition as a petition filed under Section 17 of the 1996 Act.
- (iii) Needless to say, the Arbitral Tribunal will give liberty to the respondent to file a reply and, if necessary, the petitioner will have the liberty to file a rejoinder in the matter.
- (iv) Pending a decision in the petition, the interim order dated 01.05.2018 shall continue to operate.
- (v) The Arbitral Tribunal, however, will have the liberty to either affirm or vacate or even modify the order dated 01.05.2018.

5. At this stage, Mr. Nair, counsel for respondent no. 2 says that he has filed an affidavit of assets, which he would like to correct as a typographical error has crept in the said affidavit.

6. Liberty in that behalf is granted. Necessary steps, though, will be taken before the learned Arbitrator, subject to objections, if any, being raised by the other parties.

RAJIV SHAKDHER, J

AUGUST 07, 2018

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