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

\+ O.M.P.(I) (COMM.) 211/2018 & IA No. 9409/2018

RAJ CHAWLA & CO, STOCK AND SHARE BROKERS

..... Petitioner

Through: Mr.Mohit Chaudary & Mr.Kawal Sachdeva, Advs.

versus

NINE MEDIA & INFORMATION SERVICES LTD & ANR.

..... Respondents

Through: Mr.Rajshekhar Rao & Mr.Anandh Venkataramani, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

<u>O R D E R</u>

% 03.08.2018

This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') inter alia making the following prayer:-

> *"a) Grant Ad-interim relief to the Petitioner by directing the Respondents not to sell or transfer the shares of Hero Honda Motors Ltd. (now known as Hero Motocorp Ltd.) as detailed in Para 9.2 and secure the payment of the amount of the Petitioner till the disputes are resolved by the Arbitrator.*
> *b) Direct the Respondents to act in spirit of the general conditions of the MOU and also maintain status quo in the matter till the disposal of present Petition in relation to the subject matter of the contract;"*

This Court vide its order dated 14.05.2018 had restrained the respondents from dealing with the 22,000 shares of Hero MotoCorp Ltd. (being the number of share that would be issued in favour of the respondents as a result of the 2200 shares purchased at the instance of the respondents). The learned counsel for the respondents submits that the restraining order would also prevent the respondents from seeking transfer/allotment of these shares from Hero MotoCorp Ltd. and this would not be in the interest of either the petitioner the petitioner or the respondent. He further submits that in terms of the Memorandum of Understanding dated 24.08.2016, upon allotment of these shares in favour of the respondents, the respondents were to pay a sum of approximately One crore within a fortnight of the date of transfer. He submits that to secure the interest of the petitioner, the respondents shall not deal with the shares of a value of One crore during the pendency of the arbitration proceedings.

The learned counsel for the petitioner submits that the offer is not acceptable to the petitioner as the valuation of the shares is very fluid and it is the case of the petitioner that the respondents have forged certain documents, including receipt, and therefore, the petitioners apprehend that they would not be adequately secure of the amount.

In my view, equity can be balanced at this stage by allowing the respondents to seek transfer/allotment of the shares from Hero MotoCorp Ltd. while restraining the respondents from in any manner creating any third party interest in the said shares. Further balancing of the equities/directions can be obtained by either party from the Arbitrator appointed by this Court by way of a separate order passed today in ARB.P. 476/2018.

The application and the petition stands disposed of with the above directions and with no order as to cost.

NAVIN CHAWLA, J

AUGUST 03, 2018/*rv*