

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB. A. (COMM.) 33/2018 & IA No. 8804/2018**
INDIA TOURISM DEVELOPMENT CORPORATION LTD &
ANR Petitioners
Through: Mr.Sushant Kr. & Ms.Shikha
Singh, Advs.

versus

PRERNA MARKETING PVT. LTD. Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **10.10.2018**

Today again none appears for the respondent. Even the reply has not been filed.

This appeal has been filed by the appellants challenging the order dated 20.03.2018 passed by the Sole Arbitrator *inter alia* giving the following directions:-

“With this observations, while disposing of this application, it is ordered that the respondent shall not float/invite tenders for creating third party interest primarily because there being renewal clause of further five years. However, the claimant shall not be entitled to restoration of liquor license at the hands of the respondents because such license do not exist even in favour of the respondents. So therefore respondents cannot be ordered to give to the claimants what they themselves don't have.”

By the said order the respondent was further directed to create a fixed deposit of a sum of Rs. 1 crore or furnish a bank guarantee of the

equivalent sum so that necessary orders can be passed incase the need so arises after the culmination of the arbitration proceedings. Learned counsel appearing for the appellants submits that neither the respondent has created such a fixed deposit nor has furnished the bank guarantee as directed by the Sole Arbitrator.

In view of the above, as the order was conditional in nature, it automatically does not survive due to such non-compliance by the respondent.

The appeal is disposed of recording the above position.

The appellants will be free to float/invite tenders for creating third party interest in the subject property.

NAVIN CHAWLA, J

OCTOBER 10, 2018/rv