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

+ O.M.P.(I) (COMM.) 287/2018

AHMAD MIAN

..... Petitioner

Through: Mr.Shubhanker Sharda and
Mr.Kshitij Sharda, Advs.

versus

BHASIN INFOTECH & INFRASTRUCTURE PVT. LTD.

(THROUGH: ITS DIRECTORS)

..... Respondent

Through: Mr.Sandeep Sharma, Mr.Ravinder
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

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01.10.2018

I.A. No.13508/2018 (Exemption)

Allowed, subject to all just exceptions.

I.A. No.13507/2018

This application has been filed by the petitioner/applicant seeking extension of the interim order passed by this Court on 01.08.2018 by a further period of three months.

Learned counsel for the petitioner submits that though the petitioner has filed the Enforcement Petition before the competent Court, however, the application for extension of stay has not been heard so far and is listed on 13.11.2018. Even notice has not been issued on the said petition/application. He submits that it is therefore, for reasons beyond the control of the petitioner that the application seeking extension of the Interim Order passed

by this Court has not been heard by the competent Court.

Learned counsel for the respondent, on the other hand submits that as the Enforcement Petition has been filed, this Court would become *functus officio* and cannot exercise its power under Section 9 of the Arbitration and Conciliation Act, 1996 to further extend the Interim Order.

In my view, as application seeking extension of the order passed by this Court has already been filed by the petitioner, however, has not been heard due to reasons beyond the control of the petitioner, the petitioner cannot be left remediless.

In view of the above, Interim Order dated 01.08.2018 is extended till 13.11.2018 making it clear that no further extension shall be granted by this Court and any further order can be passed only by the Court hearing the Enforcement Petition.

The application stands disposed of.

Dasti.

NAVIN CHAWLA, J

OCTOBER 01, 2018/Arya