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

+ O.M.P.(I) (COMM.) 266/2017 & IA No.8018/2017

KRISTAL VISION PROJECTS PRIVATE
LIMITED

..... Petitioner

Through: Mr Arvind Minocha, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr Praveen Kumar Jain with Ms
Komal Pandey, Advocates with Mr
Rajesh Kumar Jain (Director,
contract).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
22.02.2018

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1. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

“(i) stay the operation of the impugned letter dated 07.06.2017 of the respondent till the disposal of the arbitral proceeding;

(ii) restrain the respondent from taking any coercive action for recovery of any amount from the petitioner in respect of the Suratgarh Cantonment Project or any other project of the petitioner till the disposal of the arbitral proceedings.”

2. The present petition was moved on 20.07.2017 and this Court had passed an *ad interim* order staying the letter dated 07.06.2017. The said order has been continued since; it was last continued on 07.11.2017.

3. Since, the orders under Section 11 of the Act have been passed today for constitution of the Arbitral Tribunal, this Court is of the view that it would be apposite that the Arbitral Tribunal considers this petition as an application under Section 17 of the Act and pass the necessary orders. The interim order passed by this Court on 20.07.2017 shall continue till further orders are passed by the Arbitral Tribunal.

4. It is clarified that this Court had not expressed any opinion on the merits of the dispute between the concerned parties, and the Arbitral Tribunal would decide the petition (albeit as an application under Section 17 of the Act) uninfluenced by any observations made by this Court in any of the orders passed in these proceedings.

5. The petition and the pending application are disposed of in the aforesaid terms.

6. Order *dasti*.

VIBHU BAKHRU, J

FEBRUARY 22, 2018
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