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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 430/2017

CREATIVE MINERALS INDIA PVT LTD Petitioner

Through: Mr.M.S.Ahluwalia, Adv.

versus

THE GENERAL MANAGER NORTHERN RAILWAY & ORS

..... Respondents

Through: Mr.Jagjit Singh, Mr.Narayan Dev, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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22.03.2018

Counsel for the respondents submits that the respondents have not encashed the FDR and are agreeable to maintain status quo with respect to the same, provided the petitioner invokes the arbitration in a time bound manner.

Counsel for the petitioner submits that, the petitioner has already invoked arbitration vide its notice dated 6th December, 2017, however, the Arbitrator has still not been appointed by the respondent. He further submits that he is in the process of filing an application under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.

In view of the submissions made by the counsels for the parties, interim order dated 2nd November, 2017 is extended during the currency of the arbitration proceedings, leaving it open to the respondent to seek modification/variation/vacation of this order from the Arbitrator to be appointed by the parties or by the Court, if so

advised.

Incase the respondent does not appoint an Arbitrator, the petitioner must take steps for the appointment of an Arbitrator within a period of four weeks from today, failing which the present order shall automatically stand vacated.

The petition is disposed of with the above directions, with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MARCH 22, 2018
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