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

+ O.M.P.(I) (COMM.) 449/2017 & IA No.13026/2017

RELIANCE COMMERCIAL FINANCE LIMITED..... Petitioner

Through: Mr S. K. Sen, Advocate.

versus

P D. MEMORIAL RELIGIOUS AND EDUCATIONAL
ASSOCIATION

..... Respondent

Through: Ms Anju Lal and Ms Shalu Lal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.02.2018

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

“(i) Appoint **Sh. Shri Chandra** representative of the Petitioner/Applicant company as a Court Receiver with direction to take possession of the below mentioned 111 subject vehicles i.e;

Vehicle	Vehicle Regn. No.
AL VIKING BUS	HR63B8364
AL VIKING BUS	HR56A4456
AL VIKING BUS	HR63B7093
AL VIKING BUS	HR63B7528
AL VIKING BUS	HR56A4271
AL VIKING BUS	HR56A4316
AL VIKING BUS	HR63B6665
AL VIKING BUS	HR63B6793
AL VIKING BUS	HR63A6774
SAWARAJ MAZDA BUS	HR63A8224

SAWARAJ MAZDA BUS	HR63A8225
SAWARAJ MAZDA BUS	HR63A8226
SAWARAJ MAZDA BUS	HR63A8227
SAWARAJ MAZDA BUS	HR63A8910
SAWARAJ MAZDA BUS	HR63A8911
SAWARAJ MAZDA BUS	HR63A8917
SAWARAJ MAZDA BUS	HR63B0760
SAWARAJ MAZDA BUS	HR63A4890
SAWARAJ MAZDA BUS	HR63A5643
SAWARAJ MAZDA BUS	HR63B0970
SAWARAJ MAZDA BUS	HR63A4891
SAWARAJ MAZDA BUS	HR63B0976
SAWARAJ MAZDA BUS	HR63B0540
SAWARAJ MAZDA BUS	HR63A8665
SAWARAJ MAZDA BUS	HR63B0758
SAWARAJ MAZDA BUS	HR63A4892
SAWARAJ MAZDA BUS	HR63A8662
SAWARAJ MAZDA BUS	HR63B0755
SAWARAJ MAZDA BUS	HR63A8664
SAWARAJ MAZDA BUS	HR63A2473
SAWARAJ MAZDA BUS	HR63B0977
SAWARAJ MAZDA BUS	HR63B0759
SAWARAJ MAZDA BUS	HR63A7040
SAWARAJ MAZDA BUS	HR63B0755
SAWARAJ MAZDA BUS	HR63B0978
SAWARAJ MAZDA BUS	HR63A7041
SAWARAJ MAZDA BUS	HR63B0538
SAWARAJ MAZDA BUS	HR63B1281
SAWARAJ MAZDA BUS	HR63A4358
SAWARAJ MAZDA BUS	HR63A4361
TATA STAR BUS	HR63B4795
TATA STAR BUS	HR63B3762
SAWARAJ MAZDA BUS	HR63A2465
SAWARAJ MAZDA BUS	HR63A5967
FORCE TEMPO TRAVELL	HR63A7613
TATA STAR BUS	HR63B3763
SAWARAJ MAZDA BUS	HR63A8219
TATA STAR BUS	HR63B3764

SAWARAJ MAZDA BUS	HR63A8213
SAWARAJ MAZDA BUS	HR63A8204
TATA STAR BUS	HR63B3765
SAWARAJ MAZDA BUS	HR63A8214
TATA STAR BUS	HR63B4214
SAWARAJ MAZDA BUS	HR63A5642
SAWARAJ MAZDA BUS	HR63A5643
TATA STAR BUS	HR63B4215
SAWARAJ MAZDA BUS	HR63B4483
SAWARAJ MAZDA BUS	HR63A5644
SAWARAJ MAZDA. BUS	HR63A9210
SAWARAJ MAZDA. BUS	HR63A5645
TATA STAR BUS	HR63B4484
TATA STAR BUS	HR63B4486
TATA STAR BUS	HR63B3766
SAWARAJ MAZDA BUS	HR63A9211
SAWARAJ MAZDA BUS	HR63A5749
TATA STAR BUS	HR63B3766
SAWARAJ MAZDA BUS	HR63A7439
SAWARAJ MAZDA BUS	HR63A7040
TATA STAR BUS	HR63B3769
SAWARAJ MAZDA BUS	HR63A8202
SAWARAJ MAZDA BUS	HR63A6774
SAWARAJ MAZDA BUS	HR63A8203
SAWARAJ MAZDA BUS	HR63A6769
TATA STAR BUS	HR63C4730
SAWARAJ MAZDA BUS	HR63A6789
SAWARAJ MAZDA BUS	HR63A8205
SAWARAJ MAZDA BUS	HR63A7440
SAWARAJ MAZDA BUS	HR63A8206
SAWARAJ MAZDA BUS	HR63A8667
SAWARAJ MAZDA BUS	HR63A8207
SAWARAJ MAZDA BUS	HR63A6771
SAWARAJ MAZDA BUS	HR63A8668
SAWARAJ MAZDA BUS	HR63A8208
SAWARAJ MAZDA BUS	HR63A6773
SAWARAJ MAZDA BUS	HR63A8209
SAWARAJ MAZDA BUS	HR63A8663

SAWARAJ MAZDA. BUS	HR63A8210
SAWARAJ MAZDA BUS	HR63B1404
SAWARAJ MAZDA BUS	HR63A8211
TATA STAR BUS	HR63C6674
SAWARAJ MAZDA BUS SOUTH	HR63B1405
SAWARAJ MAZDA BUS	HR63A8215
SAWARAJ MAZDA BUS	HR63B1515
TATA STAR BUS	HR63C5472
SAWARAJ MAZDA BUS	HR63A8220
SAWARAJ MAZDA BUS	HR63B1546
SAWARAJ MAZDA BUS	HR63A4357
SAWARAJ MAZDA BUS	HR63B1547
SAWARAJ MAZDA BUS	HR63A8200
TATA STAR BUS	HR63B3767
SAWARAJ MAZDA BUS	HR63A8201
SAWARAJ MAZDA. BUS	HR63A8221
FORD ENDEAVOUR	HR13G8181
MAHINDRA SCORPIO	HR13G9495
TOYOTA FORTUNER	HR10N0063
TOYOTAINNOVA	HR13D9405
FORD ENDEAVOUR	HR13J1818
FORD ENDEAVOUR	HR13D9699
HYUNDAIVERNA	HR13J7778
FORD ENDEAVOUR	HR13E8181
SCORPIO	HR13F2727

from the respondent, their agents and any other person found to be in possession of the said vehicle from wherever it is found and after taking inventories, the said vehicle be handed over to the custody of the Petitioner/Applicant or their representative with the liberty to the Petitioner/Applicant to sell the said vehicle and adjust the sale proceeds thereof against their claim under the said Agreement and also direct the S.H.O. of the area concerned where the said vehicles are found to provide police assistance to the receiver in taking the possession of the said vehicles; AND/OR;

a. To direct the respondent to disclose his list of immovable properties;

b. To direct the respondent to furnish security before this court to the extent of claim amount.”

2. The present petition was moved on 07.11.2017. On that date this Court had passed an *ad interim* order directing the respondent not to dispose of or create any third party interest in respect of the vehicles as detailed above.

3. The learned counsel appearing for the respondent states that the parties have already entered into a settlement and have also executed an agreement in that regard. The learned counsel appearing for the petitioner states that he has no such instructions.

4. In view of the above, this Court considers it apposite to dispose of this petition by directing that the ad interim order, as passed on 07.11.2017, be continued for a further period of 30 days.

5. In the event, the disputes subsist, the petitioner would be at liberty to take steps for constitution of the Arbitral Tribunal within a period of 30 days and pursue its remedies (including for measures of interim protection) before the Arbitral Tribunal.

6. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

FEBRUARY 21, 2018/MK