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

+ O.M.P.(I) (COMM.) 505/2017

BLUE STAR LIMITED

..... Petitioner

Through: Mr Yashvardhan, Ms Smita Kant and
Ms Nikita Mishra, Advocates.

versus

PATALGANGA MINERALS PVT. LTD.

..... Respondent

Through: Mr Shubhada Phaltankar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.05.2018

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:-

- “a) Pass an order directing the Respondent to vacate the Post Harvest Cold Storage facilities at Sikar, Udaipur, Sumerpur and Bhilwara and hand over vacant and peaceful possession either to the Petitioner or to Rajasthan State Agricultural Marketing Board;
- b) Pass an order restraining the Respondent from creating any third party rights, sub-leasing, sub-letting or creating any encumbrance, directly or indirectly, on the Post Harvest Cold Storage faculties at Sikar, Udaipur, Sumerpur and Bhilwara till the passing of the arbitral award in the proposed arbitration and execution thereof.
- c) Pass an order directing the Respondent to deposit or furnish appropriate security to the tune of Rs.30,12,529/- (Rupees Thirty Lakhs Twelve Thousand Five Hundred and Twenty Nine only), in the form of deposit before this Hon'ble Court or in alternative by way of an irrevocable

bank guarantee till the passing of the arbitral award in the proposed arbitration and execution thereof.”

2. The present petition was moved for the first time on 01.12.2017 and this Court had passed the following order:

“Issue notice to the respondent by all modes returnable for January, 2018.

In the meanwhile the respondent is restrained from creating any third party rights, sub-leasing, sub-letting or creating any encumbrance, directly or indirectly, on the Post Harvest Cold Storage facilities at Sikar, Udaipur, Sumerpur and Bhilwara till further orders.”

3. The learned counsel appearing for the parties state that the said order be continued till the conclusion of the arbitral proceedings in respect of four separate agreements relating to the facilities at the four locations indicated above. It is so directed. However, it is also clarified that either party is at liberty to approach the Arbitral Tribunal for further orders as well as for modification or vacation of the order passed on 01.12.2017 as extended today.

4. The petition is disposed of.

VIBHU BAKHRU, J

MAY 29, 2018

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