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

+ **O.M.P.(I) (COMM.) 104/2019**

ANU MITTAL

..... Petitioner

Through: Mr. Pranay Abhishek, Adv.

versus

SURENDER GUPTA

..... Respondent

Through: Ms. Revati Gulati, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **05.07.2019**

1. The present petition has been filed under section 9 of the Arbitration and Conciliation 1996 seeking interim orders against the Respondent from interfering in the business of the partnership firm and operation of the bank accounts of the said firm. On the previous date, i.e., 5th April 2019, the orders were passed *inter alia* to the following effect:

“6. In view of the facts noted above, it is clear that the Petitioner has made a prima facie case in his favour. The balance of convenience also lies in favour of the Plaintiff and in case, the Respondent is not restrained, as prayed for, the Petitioner would suffer irreparable loss and injury. Accordingly, till the next date of hearing, the Respondent is restrained from obstructing the business of the firm and interfering with the operation of the bank account of the firm. At this stage, learned counsel for the Respondent states that there are certain bank accounts which were opened by the Respondent in the name of Surender Gupta as sole proprietary concern and the same are still in operation. It

is clarified that the restrained order is only in respect of the bank accounts which are in the name of a partnership firm- M/s Surender Gupta and not the proprietary account in the name of the Respondent.”

2. Learned Counsel for the Respondents states that she has no objection if the aforesaid order is confirmed. Accordingly, the petition is allowed in terms of the interim order dated 5th April 2019, without prejudice to the rights and contentions of the parties to approach the arbitral tribunal under section 17 for continuation/modification/variations/clarification of the interim order.
3. The Arbitral Tribunal, as and when instituted, would be at liberty to consider the application of the parties under section 17 of the Act, if so filed without being influenced by anything stated herein.
4. Section 9(2) of the Act provides that where, before the commencement of the arbitral proceedings, a Court passes an order for any interim measure of protection under subsection (1), the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the Court may determine. However, the said period of ninety days expires today, i.e. 5th July 2019. Accordingly, it is directed that this order shall remain in force for a period of 30 days from today. The Petitioner shall be at liberty to take the necessary steps for constitution of arbitral tribunal.
5. The petition is disposed of in the above terms. No order as to costs.

SANJEEV NARULA, J

JULY 05, 2019/Pallavi