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

+ **FAO(OS)(COMM) 73/2020**

VIDUR BHARDWAJ

..... Appellant

Through: Mr.Darpan Wadhwa, Sr.Advocate
with Mr.Dhananjay Jain, Advocate.

versus

HORIZON CREST INDIA REAL ESTATE & ORS..... Respondents

Through: Mr.Saurav Agrawal with
Mr.Madhav Misra, Mr.Rajat Taimni,
Mr.Rubhu Garg, Mr.V.K. Misra and
Mr.Akash, Advocates for R1 to R6.
Mr.Rishi Kapoor with
Mr.Kartik Bhardwaj and
Mr.Abhay Kaushik, Advocates
for R23 to 37, R40 and R41.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.06.2020**

HEARD THROUGH VIDEO CONFERENCING.

CM APPLs. 13603/2020 and 13604/2020 (Exemption)

Allowed, subject to all just exceptions.

FAO(OS)(COMM) 73/2020 and CM APPL. 13602/2020 (Stay)

1. The present appeal has been filed under Section 13 of the Commercial Courts Act assailing an order dated 11.06.2020, passed by the learned Single Judge in OMP(I) 217/2019.

2. At the outset, we have requested Mr.Wadhwa, learned Senior Advocate appearing for the appellant to address this Court on the maintainability of the present appeal particularly when Section 37 of the Arbitration and Conciliation Act, 1996 (in short '**the Act**'), permits an appeal only against an order granting or refusing to grant any measure under Section 9 of the Act and under the impugned order, the learned Single Judge has neither granted nor refused to grant any measure. Instead, the Court has only reiterates an earlier order dated 28.01.2020 passed in the captioned OMP.

3. Learned Senior Advocate, states on instructions that the appellant may be permitted to withdraw the present appeal while reserving his right to seek further time before the learned Single Judge for complying with the order 28.01.2020 reiterated on 11.06.2020, as the matter is listed today on the Original side of the Court.

4. Leave as prayed for, is granted. The present appeal is disposed of as not pressed, along with the pending application.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JUNE 29, 2020

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