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

+ O.M.P.(I) (COMM.) 334/2019 & I.A. No.569/2020 (for condonation of delay)

M/S M.K. ENTERPRISES Petitioner
Through Mr.Ramesh Kumar Jain, Adv. with
Mr.Amaresh Kumar Singh, Adv.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD & ANR Respondents
Through Mr.Anuj Chaturvedi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.02.2020

1. The present petition under Section 9 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the “Act”) was preferred seeking the following reliefs:-

“(i) Pass necessary orders of interim measures of protection and preservation of the original plot as detailed and demonstrated in e-auction document as downloaded from DSIIDC’s website so that the Respondents are forbidden to create, effect or conduct any tender, auction, encumbrance, Issuance of letter of Intent, allotment, agreement to sell, sale deed, third party interest, mortgage or charge or any form of interest or encumbrance till the pendency of the arbitration proceedings or any adjudication of the dispute/claim of the petitioner pertaining to the original plot being, Plot measuring 300 sq.m. in front of DTC Bus Depot and Sector-I, Behind Petrol Pump

Station, Narela Industrial Area, Delhi-110040.

(ii) To pass appropriate orders so that the original plot is preserved in its original state and no changes and modifications are made to the plot or to its easement and ingress and egress. The Respondent must maintain the lay out of the original plot as per their tender documents, being e-auction document.

(iii) Pass appropriate orders directing the Respondents not to raise any further demand of payments of the balance consideration amount of the sale of the original plot till the dispute is adjudicated and attains finality. Further, the amount of Rs. 2,01,54,391 (Rupees Two Crare One Lakh Fifty Four Thousand Three Hundred and ninety one Only), already paid to the Respondents by the Petitioner to be kept in the custody of the Hon'ble Court or an escrow account under the jurisdiction of this Hon'ble Court with the interest either accruing to the petitioner or adding to the remainder consideration payable for the original plot.

(iv) To pass such other orders as may be deemed fit and necessary in the interest of justice towards the specific performance of the contract dated 11.06.2019 between the Petitioner and the Respondents.”

2. Vide order dated 01.10.2019, this Court while issuing notice in the present petition, had passed an interim order directing the respondents to maintain status quo with respect to plot opposite DTC Bus Depot Sector-I, Behind Petrol Pump Station, Narela Industrial Area, Delhi-110040, measuring 300 sq. mtrs. The respondent was also directed to maintain status quo with respect to the demand for the balance sale consideration from the petitioner till the next date of hearing. The said interim orders have continued from time to time.

3. Learned counsel for the petitioner submits that the arbitration proceedings have since commenced and the petitioner will be moving an appropriate application under Section 17 of the Act before the learned Arbitrator. He, therefore, prays that the interim protection granted by this Court on 01.10.2019 be continued till the petitioner's application is taken up for consideration by the learned Arbitrator.
4. Learned counsel for the respondents, while not disputing that the arbitration proceedings have commenced, prays that interim order be not continued indefinitely.
5. As prayed for, the petition is disposed with liberty to the petitioner to move an appropriate application before the learned Arbitrator on or before the next date. The interim order passed by the Court on 01.10.2019 is extended till the petitioner's application is taken up for consideration by the learned Arbitrator.
6. The petition and pending application are disposed of in the aforesaid terms.

REKHA PALLI, J

FEBRUARY 26, 2020/aa