

\$~16(Original Side)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 167/2021, I.A. 6952/2021, I.A. 6953/2021,
I.A. 6954/2021&I.A. 6955/2021

SUNSHINE AGRISYSTEM PVT. LTD. Petitioner
Through: Mr. Anand Varma & Ms.
AsthaAhuja, Advs.

versus

MR. ZAKIR HUSSAIN & ANR. Respondents
Through: Mr. Kshitij Sharda, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
ORDER (ORAL)

% **03.06.2021**
(Video-Conferencing)

**I.A. 6952/2021& I.A. 6954/2021(under Section 151 of CPC, 1908-
for exemption)**

1. Exemptions allowed, subject to all just exceptions.
2. These applications stand disposed of.

I.A. 6953/2021(under Section 151 of CPC, 1908- for exemption)

1. Subject to the petitioner filing legible copies of any dim or illegible documents on which he may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application stands disposed of.

I.A. 6955/2021(for condonation of delay)

1. For the reasons stated therein, the delay of 16 days in re-filing the petition under Section 9 of the Arbitration and Conciliation Act, 1996, is condoned.

2. The application stands disposed of.

O.M.P.(I) (COMM.) 167/2021

1. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996.

2. Prior to the arbitral proceedings, this Court had *vide* order dated 11th September, 2012, in OMP 850/2012, passed an order restraining the respondents from disposing of, selling, alienating, wasting, damaging, transferring or otherwise creating any encumbrance, charge or third party rights or interests or dealing with the cold storage facility located at 32nd Milestone, Delhi Hapur Road, Massori, District Ghaziabad, forming subject matter of the agreement dated 01st March, 2011, between the parties.

3. *Vide* subsequent order dated 14th May, 2013, this Court directed the aforesaid order dated 11th September, 2012, to continue to remain in operation, until it was vacated or modified by the learned arbitral tribunal.

4. As such, during the currency of the proceedings before the learned arbitral tribunal, this order continued to remain in effect.

5. It is in these circumstances that the petitioner has moved the present petition, for continuing the said order, till enforcement of the arbitral award under Section 36 of the 1996 Act.

6. Mr. Sharda, learned counsel for the respondents states, at the very outset, on instructions, that his client would not dispose of, alienate or otherwise encumber the aforesaid cold storage facility without leave of the appropriate Court.

7. This submission, learned counsel for the petitioner fairly states, satisfies the relief sought in the plaint.

8. As such, taking the submission on record, and binding the respondent thereby, this petition stands disposed of.

C.HARI SHANKAR, J

JUNE 3, 2021

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