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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 02nd May, 2022*+ **FAO(OS) (COMM) 98/2022 & CM APPLs. 20923/2022,
20924/2022****FOCUS IMAGING AND RESEARCH CENTRE****PVT LTD**

..... Appellant

Through: Mr Priyank Kher, Advocate

versus

CLIX FINANCE INDIA PRIVATE**LIMITED**

..... Respondent

Through: Mr Anupam Srivastava and
Mr Dhairya Gupta, Advocates**CORAM:****HON'BLE MR. JUSTICE NAJMI WAZIRI****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****NAJMI WAZIRI, J. (ORAL)**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned counsel for the appellant submits that the removal of the PET-CT machine from the premises of the petitioner by the Receiver appointed by the court is in breach of the Atomic Energy Act, 1962 and the Atomic Energy (Radiation Protection) Rules, 2004. However, he does not dispute that the entity which installed the machinery in the appellant's premises would be duly authorised and competent to remove the machinery. That being the position, to ensure that there is no breach of the extant laws and regulations, the



Receiver would ensure that the entity which removes the machinery from the premises of the appellant has the requisite licence and trained personnel to install and remove the same. These documents shall be once shown to the Delhi Pollution Control Committee (DPCC) for taking the latter into confidence so that the machinery can be removed as per rules. The respondent expects to remove it in the next four weeks. The DPCC will respond to the Receiver's communication not later than five working days of receipt of documents intimation.

2. The appellant contends that the impugned order is harsh and precipitate inasmuch as the appellant has already paid large sums of money towards the redemption of the hypothecated machinery; that however, is not an issue before this court. The appellant has to show as to how the said order passed under Section 9(i)(ii)(d) of the Arbitration and Conciliation Act, 1996 is erroneous in law. In this petition under section 37 of the Act the scope for interference is rather limited. It being against public policy or patently illegal has not been shown to the court. In these circumstances, the court finds no reasons to interfere with the order. The petition is dismissed.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

MAY 2, 2022/zp