



2024:UHC:7694-DB

HIGH COURT OF UTTARAKHAND AT
NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI

AND

HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

APPEAL FROM ORDER NO. 392 OF 2024

17TH OCTOBER, 2024

Recliners India Pvt. Ltd.Appellant.

Versus

Aster India Battery House & others ...Respondents.

Counsel for the Appellant : Mr. Piyush Garg and Mr. Jai Krishna Pandey, learned counsels.

Counsel for the Respondent Nos.2 to 4 : Mr. Ravi Bisht, learned counsel holding brief Mr. Aditya Pratap Singh, learned counsel.

Counsel for the Respondent Nos.5 & 6 : Mr. Navneet Kaushik, learned counsel.

The Court made the following:

JUDGMENT:(per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

This is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996, challenging order dated 18.09.2024, passed by learned Additional District Judge, Commercial Court, Dehradun in Arbitration Case No.49 of 2024. By the said order, learned Court granted time to the defendants/respondents for filing objections to the application filed by the appellant under Section 9 of the Arbitration and Conciliation Act, fixing 30.09.2024.

2. On 25.09.2024, Co-ordinate Bench of this Court passed the following order:-

"1. Mr. Piyush Garg and Mr. Jai Krishna Pandey,



learned counsel or the appellant.

2. Counsel for the appellant, inter alia, contends that during the pendency of the application under Section 9 of the Arbitration and Conciliation Act, 1996, an application for injunction was filed by the appellant, as steps were being taken by respondent nos.5 to 8 to dispossess the appellant from the warehouse, which was leased out to the appellant by respondent nos.1 to 4, vide Lease dated 01.09.2021, which is for 12 years. He submits that if the appellant is evicted, then the very purpose of Section 9 application will be frustrated.

3. Notice of motion.

4. In the meantime, no coercive steps will be taken to evict the appellant from the warehouse in question.

5. List on 04.12.2024.”

3. Learned counsel for the parties are unanimous on the point that the next date fixed in the Arbitration Case No.49 of 2024, before the Commercial Court, is 08.11.2024.

4. Mr. Navneet Kaushik, learned counsel appearing for respondent nos.5 and 6 fairly submits that the Commercial Court can be directed to dispose of interim relief application filed by the appellant under Section 9 of the Arbitration and Conciliation Act.

5. Mr. Piyush Garg, learned counsel for the appellant submits that the present appeal can be disposed of by directing the Commercial Court to consider appellant's interim relief application preferred



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under Section 9 of the Arbitration and Conciliation Act
on merits, on the next date fixed.

6. With the consent of the parties, this appeal is
disposed of. Learned Commercial Court is directed to
consider the interim relief application filed by the
appellant on the next date fixed.

7. Interim order dated 25.09.2024, passed by
Co-ordinate Bench, shall continue to operate till the
disposal of appellant's interim relief application filed
under Section 9 of the Arbitration and Conciliation Act.

8. The appeal is disposed of in the above terms.

9. Pending application, if any, also stands
disposed of.

(MANOJ KUMAR TIWARI , A.C.J.)

(VIVEK BHARTI SHARMA, J.)

Dated: 17th October, 2024
NISHANT

NISHANT
KUMAR

Digitally signed by NISHANT KUMAR
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High Court, email=NISHANT.KUMAR@UTK.INDIA
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