



2024:DHC:8579



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment pronounced on: 29.10.2024+ **O.M.P.(I) (COMM.) 16/2022 & I.A No. 8606/2023**M/S KANCHENJUNGA
COMMERCIAL LTD. & ANR.

.... Petitioners

Through: Mr. Harsh Sethi, Mr. Anant Nigam
and Mr. Raghav Luthra, Advs.

versus

M/S ANSAL PROPERTIES
AND INFRASTRUCTURE LIMITED & ANR.

.... Respondents

Through: Mr. Sachin Midha, Mr. Aditya and
Mr. Vikram Bajpai, Advs. for R-1 and
2.
Mr. Aditya Kumar, Mr. Angad
Gautam and Mr. Parv Verma, Advs.
for R-3/RSD Finance.**CORAM:**
HON'BLE MR. JUSTICE SACHIN DATTA**JUDGMENT**

1. The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (the 'A&C Act') has been filed by petitioners seeking certain interim measures of protection.
2. The disputes which are subject matter of the present petition has already been referred to arbitration *vide* order dated 26.06.2022 passed in ARB.P. No. 716/2022.
3. It is noted that the learned sole arbitrator appointed *vide* the aforesaid order dated 26.06.2022 is also seized of an application seeking impleadment



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of RSD Finance Ltd. (respondent no.3 herein), who is a non-signatory to the Collaboration Agreement dated 14.10.2010, which contains the arbitration clause that has been invoked.

4. Accordingly, the present petition is directed to be treated as an application under Section 17 of the A&C Act to be decided by learned sole arbitrator, in accordance with law. Needless to say, the decision of the learned sole arbitrator as to whether any interim order is warranted against the non-signatory party/respondent no. 3, is contingent upon the outcome of the application for impleadment of the said respondent.

5. The subsisting interim order/s shall continue to operate subject to further order(s) of the learned sole arbitrator.

6. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

OCTOBER 29, 2024/hg