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

+ **O.M.P.(I) (COMM.) 327/2023**

M/S G. M. ENTERPRISES PVT LTD Petitioner
Through: Mr. Parvinder Chauhan with Ms.
Aakriti Garg, Advocates.
versus
M/S G3S FOODSHALA PVT LTD AND ORS Respondents
Through: Mr. Manish Malhotra, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER
18.01.2024

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By way of the present petition filed under section 9 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks certain interim measures of protection in relation to disputes that are stated to have arisen with the respondents from Lease Deed dated 18.10.2019 in relation to property being the Ground Floor and Mezzanine Floor of property bearing No. 3, Local Shopping Centre, EFGH Block, Masjid Moth, Greater Kailash – II, New Delhi.

2. Though reply is stated to have been filed by the respondents, the same is not on record. Let it be brought on record.
3. After hearing some submissions, and by consent of learned counsel appearing for the parties, the present petition is disposed-of with the following directions :
 - 3.1. As offered by the respondents and agreed-to by the petitioner, the respondents shall hand-over vacant, peaceful, physical



possession of the subject premises to the petitioner within 10 days from today;

- 3.2. The respondents shall be entitled to remove all their goods, furnishing, fittings, equipment and all other belongings from the subject premises at the time of vacating them. In order to forestall any dispute as to the removal of such belongings, as well as allegations of any damage caused to the subject premises, as requested by learned counsel appearing for the parties, **Ms.Ritika Ahuja, Advocate** (Cellphone No. : 9582363670) is appointed as the Local Commissioner to remain present at the time the subject premises is being vacated; and to record the removal of the respondents' belongings etc. as also the status of the subject premises (in the context of any damage being caused thereto) in the course of the subject premises being vacated.
4. For purpose of carrying-out the commission, the learned Local Commissioner shall be entitled to a consolidated fee of Rs. 30,000/- (Rs. Thirty Thousand Only) to be shared equally between the parties; and to be payable to the learned Local Commissioner simultaneously at the time the commission is being carried-out, in addition to any out-of-pocket expenses that may be incurred by the learned Local Commissioner for the purpose.
5. Parties to the present petition and their counsel are permitted to remain present at the time the commission is being carried-out; and are directed to co-operate with the learned Local Commissioner.
6. Let a report be filed by the learned Local Commissioner in court within 01 week after the commission is completed.



7. The present petition is disposed-of in the above terms, granting to the petitioner liberty to move before the learned Sole Arbitrator an appropriate application under section 17 of the A&C Act, for seeking any interim measures of protection as the petitioner may be advised, in accordance with law; making it clear that the court has not expressed any opinion on the merits of the matter.
8. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 18, 2024

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