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

+ **FAO(OS) (COMM) 142/2024 & CM Nos.39287-89/2024**

PAUL DEEPAL RAJARATNAM & ORS.Appellants

Through: Mr Ritin Rai, Sr Adv. with Mr S. Santanam Swaminadhan, Mr Ramit Singh, Mr Kartik Malhotra and Mr Anindit Mandal, Advs.

versus

SURGEPORT LOGISTICS PVT. LTD. & ANR.Respondents

Through: Ms Rimali Batra, Mr Abhishek Lalwani and Mr Krishan Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

23.08.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM No.39289/2024

1. Allowed, subject to the appellants filing legible/translated copies of the annexures, at least three (03) days prior to the next date of hearing.

FAO(OS) (COMM) 142/2024, CM No.39287/2024 [*Application filed on behalf of the appellants seeking to place on record additional documents*] & **CM No.39288/2024** [*Application filed on behalf of the appellants seeking interim relief*]

2. This appeal is directed against the judgment and order dated 16.05.2024,
FAO(OS) (COMM) 142/2024

page 1 of 3



passed by the learned Single Judge, in an application preferred by the respondents under Section 9 of the Arbitration and Conciliation Act, 1996 [in short, “1996 Act”].

3. We are informed by the learned counsel for the parties that an arbitral tribunal has been constituted, which is likely to convene on 14.09.2024.

3.1 Furthermore, we are also told that the respondents have been given time up until tomorrow, i.e., 24.08.2024 to prefer an application under Section 17 of the 1996 Act.

4. Given this position, we are inclined to dispose of the present appeal with the following directions:

(i) The application filed by the respondents under Section 9 of the 1996 Act [*qua* which the impugned judgment and order has been passed], will be treated by the arbitral tribunal as an application under Section 17 of the 1996 Act.

(ii) The arbitral tribunal will, after hearing both sides, be at liberty to vacate/vary/modify or even confirm the order and if necessary, grant further relief(s), as may be available in law.

5. Needless to say, the respondents will be at liberty to move a fresh application under Section 17 of the 1996 Act.

6. Given the aforesaid, the respondents will place the order passed today before the learned Single Judge, who will pass appropriate orders *qua* the application preferred by the respondents under Section 9 of the 1996 Act, having regard to the directions contained herein.



7. The appeal is disposed of in the aforesaid terms.
8. Consequently, the pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 23, 2024/aj

Click here to check corrigendum, if any

FAO(OS) (COMM) 142/2024

page 3 of 3