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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 215/2023 CM APPL. 52699/2023**
CM APPL. 52700/2023
LR ARUN & ORS.

..... Appellants

Through: Mr.Rounak Nayak, Advocate.

versus

SHEELA FOAM LIMITED & ORS.

..... Respondents

Through: Mr.Gyanendra Kumar, Ms.Anuradha
Mukherjee, Ms.Shreya Som, Mr.Zaid
Drabu, and Mr.Aviral Singhal,
Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **20.03.2024**

1. The appellants have filed the present appeal impugning the directions issued in paragraph 14 of the order dated 01.09.2023 (hereafter *the impugned order*) passed by the learned Single Judge in OMP (COMM) (I) No.270/2023 captioned *Sheela Foam Limited v. PMG Distribution Private Limited & Ors.*
2. The respondents had preferred the said petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter *the A & C Act*) seeking interim measures.
3. The learned counsel for respondents submits that the present appeal is infructuous, *inter alia*, as the Arbitral Tribunal has passed an order under Section 17 of the A & C Act. He has also drawn our attention to the paragraphs No.14 & 15 of the impugned order, which read as under:-

“14 In view thereof, the present petition is disposed of with the direction that the respondents shall not use the data in their possession or any data that they may



be privy to by virtue of being petitioner's erstwhile exclusive distributor relating to the petitioner's business. The respondents shall also not take any steps that may disrupt the supply and distribution of petitioner's goods through its network of distributors and retailers.

15. Needless to state that the aforesaid directions are passed till the time the present application is taken up for consideration by the learned Arbitrator. The parties shall also be at liberty to file additional reply/documents. The parties shall also be at liberty to seek variation/modification of the above interim directions."

4. He submits that the directions issued in paragraph no.14 of the impugned order have not been continued and to that extent, the appellants' grievance in regard to the directions contained in paragraph no.14 of the impugned order does not survive.

5. The learned counsel for the appellant confirms that an order under Section 17 of the A & C Act has been passed by the Arbitral Tribunal. He submits that the appellants have preferred an appeal against the said order, however, the same has not been listed.

6. It is apparent from paragraph no.15 of the impugned order that the directions issued by the learned Single Judge would be operative till the application for interim measures was taken by the learned Arbitral Tribunal. Since it is confirmed that the Arbitral Tribunal has taken up the application for interim measures and has passed a separate order, the impugned directions are no longer operative.

7. As noted above, against said order, the appellants are taking steps for filing an appeal and therefore, their grievances, if any, would be considered in the said appeal.

8. The impugned order passed by the learned Single Judge is no longer operative, in view of its limited term.



9. The present appeal is accordingly disposed of as infructuous. Pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 20, 2024

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Click here to check corrigendum, if any