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

+ **O.M.P.(I) (COMM.) 20/2022**

ENERGY EFFICIENCY SERVICES LTDPetitioner

Through: Mr. Samdarshi Sanjay, Ms.
Monika Sharma and Mr. Ashish
Kumar Sharma, Advocates.

versus

M/S ITECH MASS PRIVATE LIMITEDRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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31.07.2024

1. The petitioner has filed this petition, under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], in the year 2022, for the following reliefs:

“(i) Pass orders for appointment of a Receiver to take interim custody of the Appliances lying at the Godown at Dehradun and Rudraprayag, the details whereof are mentioned in para 6 above after preparing an inventory of the same;

(ii) Pass orders for Sale of the Appliances as retrieved to prevent any further loss to the Appliances as well as to salvage the losses incurred by the Petitioner by the Receiver appointed by this Hon'ble Court;

(iii) Direct the local police to aid and provide protection to the Receiver and the representatives/officials of Petitioner to take custody of the Appliances from the Godown at Dehradun & Rudraprayag; &

(iv) Pass such other and further orders and/or directions as this Hon'ble Courts deem fit and proper in the facts of the case.”

2. Various interim orders have been passed, including for

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appointment of receivers and custody to be taken of goods from the petitioner's godowns taken on rent by the respondent.

3. During the pendency of these proceedings, the arbitral tribunal has been constituted and arbitration proceedings are now in progress. The respondent has not appeared either in the arbitration proceedings or in this petition.

4. Pursuant to the order dated 19.07.2024, Mr. Samdarshi Sanjay, learned counsel for the petitioner, states that no further orders are required in this petition. He submits that the petition may be disposed of, leaving it open to the petitioner to seek interim measures before the arbitral tribunal, under Section 17 of the Act, if required.

5. The petition is disposed of in terms of the interim orders already passed, and with liberty to the petitioner as aforesaid.

PRATEEK JALAN, J

JULY 31, 2024
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