



2024:DHC:5245



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

+ **O.M.P.(I) (COMM.) 390/2023**

KRISHNA UDYOG

.....Petitioner

Through: Mr. Kamlesh Ojha and Mr.
Yudhvir Singh, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Mukesh Kr. Tiwari for Mr.
Ruchir Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

15.07.2024

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1. The Arbitral Tribunal has already been constituted to arbitrate on the disputes between the parties.

2. Learned counsel for the petitioner submits that in that view of the matter, this petition may be disposed of by referring the present dispute to the learned Arbitral Tribunal, to be decided as an application under Section 17 of the Arbitration and Conciliation Act, 1996¹.

3. It appears that the petitioner has already moved an application under Section 17 of the 1996 Act before the learned Arbitral Tribunal for interim protection against certain actions which were taken against

¹ "the 1996 Act", hereinafter



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the petitioner by the respondent after the recovery notice dated 9 November 2023, which forms subject matter of the present petition and that, in that application, the learned Arbitral Tribunal has already passed an interim order on 17 June 2024, though learned counsel for the respondent submits that the respondent is intending to challenge the said order in appropriate proceedings.

4. No occasion arises for me to make any comment on the interim order dated 17 June 2024.

5. In the above circumstances, this petition is disposed of, by referring this petition to the learned Arbitral Tribunal to be decided as an application under Section 17 of the 1996 Act in accordance with law after giving an opportunity to both sides.

6. This Court makes it clear that this Court has not expressed any opinion on the merits in the present petition one way or the other and that the Arbitral Tribunal would be free to take an appropriate view.

7. The petition stands disposed of, in the aforesaid terms.

C.HARI SHANKAR, J

JULY 15, 2024/yg

Click here to check corrigendum, if any

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Signing Date:16.07.2024
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By:CHANDRASEKHARAN
HARI SHANKAR
Signing Date:16.07.2024
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