



\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 392/2023**
DLF LIMITED Petitioner

Through: Mr. Rajiv Nayar, Sr. Advocate with
Mr. Darpan Wadhwa, Sr. Advocate,
Ms. Ruby Singh Ahuja, Mr. Pravin
Bahadur, Mr. Kartik Nayar, Ms.
Aakriti Vohra, Ms. M.
Dasgupta, Ms. Megha Dugar, Ms.
and Mr. A. Vaid, Advocates.

versus

PNB HOUSING FINANCE LIMITED & ORS. Respondents

Through: Ms. Srishti Khare, Advocate for R-1.
Mr. Mukesh Kumar, Mr. Rajat
Joneja, Mr. Arpit Dwivedi and Ms.
Sakshi Kapoor, Advocates for R-2
(Omkara Asset).
Mr. Prateek Seksaria, Sr. Advocate
with Mr. Sajit Suvarna, Mr. Nirav
Shah, Ms. Aneesa Cheema, Ms.
Shivani Khanwilkar, Mr. Varun
Kalra, Mr. Krishan Kumar and Mr.
Pranav Khanna, Advocates for R-3.
Mr. Aditya Dewan, Advocate for R-
5.
Mr. Aditya Vardhan Sharma,
Advocate for R- 6.
Mr. Udit Gupta and Ms. Pragya
Gupta, Advocates for Chinsha
Property Private Limited.
Mr. Saurabh Kirpal, Senior Advocate
with Ms. Khushbu Chhajed, Mr. Yash
Dhruva and Mr. Karan Bharihoke,
Advocates for R-8.
Mr. Pranav Sarthi and Mr. Gaurav
Vutts, Advocates.



CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

02.05.2024

%

I.A. 9625/2024

By way of the present application filed on the principles of sections 151 and 152 of the Code of Civil Procedure 1908, the applicant/petitioner seeks rectification/correction in para 6 of order dated 22.04.2024 passed by this court, to clarify that the interim orders that were extended by way of order dated 22.04.2024 would also include interim order dated 14.12.2023, as modified by order dated 22.12.2023, and as thereafter extended by order dated 19.01.2024.

2. Mr. Darpan Wadhwa, learned senior counsel appearing for the applicant/petitioner submits that on a combined reading of orders dated 14.12.2023, 22.12.2023 and 19.01.2024, it is evident that while disposing-of the petitions under section 9 of the Arbitration & Conciliation Act, 1996 ('A&C Act'), and leaving them to be taken-up as applications under section 17 of the A&C Act by the learned Arbitrator, this court had directed that *all* interim orders as well as the statements made by the parties were to continue, until a view thereon was taken by the learned Arbitrator.
3. Mr. Wadhwa however points-out, that it would appear that by inadvertence, order dated 14.12.2023 as modified by order 22.12.2023 and as extended by order dated 19.01.2024, does not find mention in para 6 of order dated 22.04.2024.



4. Issue notice.
5. Learned counsel, as above, appear for the respondents on advance copy; accept notice; and seek time to file replies, opposing the prayer made.
6. Be that as it may, it is observed that *vide* order dated 22.04.2024, both petitions bearing O.M.P.(I) (COMM.) No.392/2023 and O.M.P.(I) (COMM.) No.395/2023 under section 9 of the A&C Act had been disposed-of, with a direction that they be placed before the learned Arbitrator, so that the learned Arbitrator could take a view in the matter. While doing so, quite clearly, the intention and purpose of this court was that the position obtaining in the above-mentioned section 9 petitions on the date of that order, would continue until varied, modified or set-aside by the learned Arbitrator.
7. Furthermore, a closer reading of paras 5 and 6 of order dated 14.12.2023, as modified *vide* para 6 of order dated 22.12.2023, and as thereafter extended by order dated 19.01.2024, shows that not only the interim orders but also the statements made on behalf of the respondents were continued during the pendency of the above-mentioned section 9 petitions.
8. In the circumstances, the court does not deem it necessary to await a written reply from any of the respondents.
9. Accordingly, the application is allowed, thereby modifying/clarifying that para 6 of order dated 22.04.2024 would now read as follows :

“6. In the meantime, interim order dated 14.12.2023, as modified by order dated 22.12.2023, and as extended vide order dated 19.01.2024; as well as interim order dated 11.01.2024 passed



by the Division Bench, as extended vide order dated 19.01.2024 by this court, shall continue until varied, modified or set-aside by the learned Arbitrator in the proceedings under section 17 of the A&C Act.”

10. The application is disposed-of in the above terms.
11. The petition already stands disposed-of.
12. Needless to add that this order would not prevent any of the respondents from moving an appropriate application before the learned Arbitrator seeking modification of the interim orders/statements obtaining in the matter.
13. The Registry is directed to provide a certified copy of this order alongwith any certified copy of order dated 22.04.2024.

ANUP JAIRAM BHAMBHANI, J

MAY 2, 2024/ak