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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 368/2024**
MR. JAMAL UDDIN MAQSOOD AHMAD AND ANR.

.....Petitioners

Through: Mr. Sushil Kumar and Utkarsh Singh,
Mr. Mayank Gupta, Mr. Tauheed
Arshi and Mohd. Humaid, Advocates.

versus

SYED GHUFFRAN HUSSAIN AND ORS.Respondents

Through: Mr. M. Sufian Siddiqui, Rakesh
Bhugra, MD.Niyazuddin, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.10.2024

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I.A. 43163/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 368/2024, I.A. 43162/2024

1. This Petition under Section 9 of the Arbitration and Conciliation Act, 1996, has been filed with the following prayers:

“a. Direct the Respondent No.1 to refrain from operating the Respondent No.2 firm till Sole Arbitrator is appointed or the final award is passed by the Ld. Sole Arbitrator, if so appointed.

b. Direct the Respondent No.1, 3 and 4 collectively or severally to cease and desist from operating Respondent No.2.

c. Direct the Respondent No.1,3 and 4 collectively or severally to not withdraw any amount from the Bank Account or Accounts associated with the Respondent



No.2.

d. Direct the Respondent No.1,3 and 4 to not create any third-party interest or charge upon on the assets or the Trade Name of Respondent No.2.

e. Direct the Respondent No.1,3 and 4 collectively or severely to not enter into further arrangement/agreement with any other third party.

f. Pass ad -interim, ex-parte order, pending the instant petition directing the Respondents to refrain from further carrying on any activities on behalf of Respondent No.2. And/or;

g. Pass any other such order as this Hon'ble Court may deem fit."

2. It is stated by the learned Counsel for the Petitioner that a Petition, being Arbitration Petition (C) 27/2024, for appointment of Arbitrator under Section 11 of the Arbitration Act was filed before the Apex Court and the Apex Court *vide* Order dated 21.10.2024 has appointed Justice Asha Menon (Retd.) as a sole arbitrator to adjudicate on the disputes between the parties.

3. In view of the above, let the present Petition be treated as an application under Section 17 of the Arbitration Act and be placed before the Sole Arbitrator for appropriate decision in accordance with law.

4. With these directions, the present Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

OCTOBER 24, 2024

Rahul