

O.A.No.406 of 2024

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M/s.Saagar Foundation Pvt. Ltd.

... Applicant

Vs.

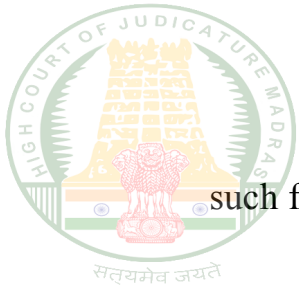
D. Shankar

... Respondent

ABDUL QUDDHOSE.J.,

This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for an ad-interim injunction to restrain the respondent from alienating the properties, morefully described in the schedule to the Judges Summons.

2. This Court had granted an ad-interim injunction in favour of the applicant in this application as early as on 14.06.2024. Admittedly, till date, the applicant has not initiated arbitration in accordance with the arbitration clause despite having the benefit of an interim order from this Court since on 14.06.2024. As per Section 9 (2) of the Arbitration and Conciliation Act, a party having the benefit of an interim order, prior to the initiation of the arbitration, from this Court under Section 9 of the Arbitration and Conciliation Act, 1996, the arbitral proceedings shall be commenced by the said party within a period of 90 days from the date of such order or within



such further time as the Court may determine.

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ABDUL QUDDHOSE.J.,

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Admittedly, for almost more than eight months, the applicant is having the benefit of an interim injunction from this Court in this application without initiating arbitration.

3. This Court is not expressing any opinion on the merits of this application. Only on the ground that the statutory provision of Section 9 (2) of the Arbitration and Conciliation Act, 1996 has not been complied with by the applicant by initiating arbitration within a period of 90 days from the date when the applicant had the benefit of interim injunction from this Court, this Court is vacating the interim injunction order dated 14.06.2024 forthwith. However, all rights are kept open for the parties to this application to agitate their respective rights before the arbitral Tribunal once the same is constituted by this Court or by consent of all the parties to the dispute.

4. In terms of the above directions, this application is disposed of.

25.02.2025

ab

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