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

+ **OMP (ENF.) (COMM.) 158/2025**

INNOBUZZ MARKETING SOLUTION PVT LTD AND ORS.

.....Petitioners

Through: Ms. Hetu Arora Sethi and Mr. Nirmal Prasad, Advocates.

versus

MR. VIDUR KAUSHIK AND ORS.

.....Respondents

Through: Mr. Rajnish Singh, Mr. Joy Bajaj and Ms. Adya Sinha, Advocates for R-1, 2, 3 and 5.

Mr. Sujoy Datta, Mr. Surekh Kant Baxy and Mr. Aarsheya Sharda, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **28.07.2025**

EX.APPL.(OS) 1057/2025

1. Allowed, subject to the petitioners filing certified copies of the documents within two (2) weeks from today.
2. The application is disposed of.

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3. The present application has been filed under Section 17(2) of the Arbitration and Conciliation Act, 1996 read with Order XXXIX Rule 2A of the Code of Civil Procedure ('CPC') seeking enforcement of the directions passed by the Sole Arbitrator in the order dated 5th June, 2025.
4. For the sake of convenience, the directions contained in paragraphs 24, 25, and 26 of the said order are set out below:-

“24. Therefore, taking into consideration overall facts and



circumstances, and also the submissions of the parties as noted above, this Tribunal considers that to safeguard the interests of all the parties to the arbitration including the respondent No. 4, it shall be just and equitable to direct that:-

- i) all the three laptops in possession of the respondents No. 1 to 3 (Lenovo laptop IP3 Slim; HP LT DK2012TX; and HP 14 DV 1001 TU) shall be sealed (with all the softwares therein in the presence of the parties;*
- ii) the NICaS device system bearing S. No. NIM 20223, presently with the respondent No. 1, shall also be sealed in the presence of the parties;*
- iii) after sealing the same, the same shall be handed over to the claimant No. 1 on superdari who shall keep the same safely, to be produced as and when directed by this Tribunal or by the Hon'ble Court in any proceedings;*
- iv) two bags belonging to the respondent No. 1 to 3 and admitted to be lying with the claimants, shall be opened by the respondent No. 1 in the presence of the claimants, the same shall be inventorised, and thereafter handed over to the respondent No. 1 under acknowledgement, except the information, database record, technology and software relating to the business of the respondent No. 6, which will remain with the claimants No. 1 to 3 & 6;*
- v) the list of inventory so prepared shall be filed on the records of these proceedings;*

25. The present directions are being passed without prejudice to the rights, interests and contentions of any or the parties to the present proceedings. It is clarified that in case the respondent No. 4, in exercise of its any right under the Agreement with the respondent No.5 may like to seek recovery of the aforementioned NICaS CS System and its software, it will be at liberty to take appropriate proceedings for the same in accordance with law. Needless to state that as and when any such proceedings will be taken by the respondent No. 4, the same shall be decided on their own merits, without being influenced in any manner by any observations made in the present Order, which even otherwise are only a prima facie view and not any final opinion on the rights, interests and contentions of any of the parties.

26. Since the respondent No. 4 has not been referred to arbitration before the undersigned in the pending arbitration proceedings, subject to further directions/ orders, the respondent No. 4 is not required to present itself before this Tribunal."



5. Issue notice.
6. Notice is accepted by the counsel on behalf of the respondents no.1-5.
7. None appears on behalf of respondent no.6 despite advance notice.
8. Counsel for the parties submit that they have no difficulty in compliance with the directions contained in sub-paragraphs i, iv, and v of paragraph 24 above and submit that the Court may fix a date for compliance with the same.
9. Insofar as the directions contained in sub-paragraphs ii and iii of paragraph 24 are concerned, counsel for the respondents submits that the aforesaid NICaS device system belong to respondent no.4, which is an Israeli company, and has been returned back to the said company on 8th June, 2025 which is before the date when the order was communicated to them i.e., on 13th June, 2025.
10. In terms of the liberty granted by the Arbitral Tribunal in paragraph 25 of the aforesaid order, the respondent no.4 has already sent a communication dated 30th June, 2025 wherein it has specifically been stated that the aforesaid NICaS device has been returned to them by the respondents no.1 and 2 on 8th June, 2025, since the same belongs to respondent no.4.
11. Needless to state, in terms of what is indicated in paragraph 25 of the aforesaid order, the Sole Arbitrator shall take a call on the said issue.
12. The present petition is disposed of with a direction that the parties shall meet at the office of the petitioner's Advocate on 4th August, 2025 at 5:30 PM for the purposes of complying with the remaining directions contained in the said order.

AMIT BANSAL, J

JULY 28, 2025

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