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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 290/2024**
ADITYA BIRLA FINANCE LTDPetitioner
Through: Ms. Sandhya Chawla, Advocate

versus

TIRUPATI REFRIGERATION & ORS.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
03.03.2025

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1. By way of present petition filed under Section 9 of the Arbitration & Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks interim directions with reference to disputes that have arisen between the parties in the context of the Loan Agreement dated 25.10.2022.
2. At this stage, it is informed that on the petitioner invoking arbitration, a Coordinate Bench of this Court had already appointed Dr. Justice Bharat Bhushan Parsoon, Former Judge of the Punjab & Haryana High Court, (Mob No. 9999688558) as the Sole Arbitrator to adjudicate upon the disputes in the proceedings filed by the petitioner by way of ARB. P.2047/2024.
3. Learned counsel for the petitioner submits that the Arbitral Tribunal having been constituted, the present petition itself be directed to be treated as an application under Section 17 of the A&C Act. It is further submitted that the petitioner be granted liberty to urge all its contentions/reliefs before the Arbitral Tribunal. He further submits that the respondents have been served and an affidavit of service has also been filed in this regard.



4. The respondents have been served but remain unrepresented.
5. Keeping in view that the disputes have already been referred to the learned Sole Arbitrator by way of ARB. P.2047/2024, the present petition is disposed of with the direction that the petition itself be treated as an application under Section 17 of the A&C Act.
6. In the meantime, the interim directions contained in the order dated 02.09.2024 shall continue till the prayer in present petition is taken up for consideration by the Ld. Arbitrator. Thereafter, the parties shall be at liberty to seek continuation/confirmation/modification/vacation of the same before the Ld. Arbitral Tribunal.

MANOJ KUMAR OHRI, J

MARCH 3, 2025/rd