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

+ O.M.P.(I) (COMM.) 359/2025

GAIL (INDIA) LIMITED

.....Petitioner

Through: Ms. Rimali Batra, Adv, Mr. Abhishek
Lalwani, Adv. Mr Shivang Gupta,
Adv.

versus

M.M.S. STEEL AND POWER PVT. LTD.

.....Respondent

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **24.11.2025**

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("**1996 Act**") seeking the following reliefs:-

"a. Direction to the Respondent to deposit before this Hon'ble Court the entire amount awarded by the learned Sole Arbitrator, or in the alternative, to furnish equivalent security in the form of a Fixed Deposit, Bank Guarantee, or any other asset of equivalent value, to secure the Award dated 18.02.2014, amounting to Rs. 7,59,64,041 (Rupees Seven Crores Fifty Nine Lakhs Sixty Four Thousand Forty One only);

b. A direction to the Respondent to furnish an affidavit of disclosure of assets (movable and immovable) within and outside India, including all bank accounts, investments, subsidiaries/affiliates, and details of charges created in favour of third parties, in the form prescribed under Order XXI Rule 41(2) CPC;

c. In the alternative to prayer (a), an injunction restraining the



Respondent, its directors, and authorised officers from alienating, encumbering, disposing of, or creating any third-party interests over its assets, or from withdrawing funds from its bank accounts, except in the ordinary course of business, pending deposit/security as sought in prayer (a) above;

d. An ex-parte ad-interim order in terms of prayer (a) to (c) above.

e. Appoint a Registrar / Court-appointed Officer to supervise disclosure or valuation, if so, directed by this Hon'ble Court, and pass such ancillary directions as may be necessary to secure the Award.

f. Award the costs of the present proceedings in favour of the Petitioner and against the Respondent.”

2. In this petition filed under Section 9 of the 1996 Act, the petitioner is seeking to secure the awarded amount in the Arbitral Award dated 18.02.2024. The contours of Section 9 of the 1996 Act are not *akin* to enforcement proceedings and the 1996 Act duly provides for enforcement of an Award under Section 36 of the 1996 Act.

3. In the present case, the Arbitral Award is dated 18.02.2014 and till date no enforcement petition has been filed by the petitioner.

4. Further, there is no stay order operating in the petition filed by the respondent under Section 34 of the 1996 Act.

5. For the said reasons, I am unable to entertain the present petition, as a petition under Section 9 of the 1996 Act cannot be a substitute for enforcement proceedings.

6. Accordingly, the present petition is dismissed.

JASMEET SINGH, J

NOVEMBER 24, 2025/DM