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

+ **CONT.CAS(C) 482/2026**

M/S. DEVYANI INTERNATIONAL LIMITEDPetitioner

Through: **Mr. Satish Rai, Ms. Shatakshi Sharma
and Mr. Gulshan Kumar Maurya,**
Advocates.

versus

**PAICHMUTHU PANDARA THEVAR, PROPRIETOR OF M/S
BALAJI CATERERS & ANR.**Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **23.03.2026**

CM APPL.18092/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed by the petitioner alleging wilful disobedience/non-compliance of the order dated 10.03.2026 in O.M.P.(I) (COMM.) 87/2026.
4. Thereafter, two I.A.s under Order XXXIX Rule 2A of the Civil Procedure Code, 1908, bearing I.A. No. 6556/2026 and 6557/2026 were filed by the petitioner in O.M.P.(I) (COMM.) 87/2026 alleging disobedience of the aforesaid order dated 10.03.2026.
5. *Vide* order dated 16.03.2026, the said I.A.s were disposed of, observing as under:



I.A. 6556/2026 (b/o Petr. U/order XXXIX rule 2A for Disobedience of the order dated 10.03.2026)
I.A. 6557/2026 (for direction)

1. The captioned Petition, under Section 9 of the Arbitration and Conciliation Act, 1996 ["Act"], came to be disposed of *vide* Order dated 10.03.2026, with the direction that the Termination Notice dated 06.03.2026 shall stand interdicted till such time the learned Arbitrator, appointed to adjudicate the disputes in the present matter, takes up the application under Section 17 of the Act.
2. The Application being I.A. 6556/2026, under Order XXXIX Rule 2A of the Civil Procedure Code, 1908, has been filed seeking the following reliefs:

“...

a. Direct that the Respondent, Paichimuthu Pandara Thevar, Proprietor of M/s Balaji Caterers, having willfully disobeyed the order dated 10.03.2026 passed by this Hon'ble Court, be detained in civil prison in accordance with the provisions of Order XXXIX Rule 2A of the Code of Civil Procedure, 1908;

b. Order attachment of the properties standing in the name of the Respondent, whether movable or immovable;

c. Direct the attachment of the following bank accounts of the Respondent or any other bank account or property belonging to the Respondent;

- a. Beneficiary Account No. 122205002172, Beneficiary Name BALAJI CATERERS, Branch at 1st Floor, Ganesh Darshan Building, LT Road, Borivalli West, Mumbai-400092, IFSC Code ICIC0001222, Bank Name ICICI Bank;
- b. Beneficiary Account No. 122205002169, Beneficiary Name BALAJI CATERERS, Branch at 1st Floor, Ganesh Darshan Building, LT Road, Borivalli West, Mumbai-400092, IFSC Code ICIC0001222, Bank Name ICICI Bank;
- c. Beneficiary Account No. 122205002170, Beneficiary Name BALAJI CATERERS, Branch at 1st Floor, Ganesh Darshan Building, LT Road, Borivalli West, Mumbai-400092, IFSC Code ICIC0001222, Bank Name ICICI Bank.

”

3. The Application being I.A. 6557/2026, under Section 151 of the Civil Procedure Code, 1908 read with Section 9 of the Act, has also been preferred, ostensibly on the grounds that the Respondents is apparently not complying with the Order dated 10.03.2026.
4. Learned counsel appearing on behalf of the Respondents, on advance notice and on instructions, makes a categorical statement that there will be no interference in the operation of the business being



carried out in the sub-licenced premises.

5. This Court takes the statement of the learned counsel on record and binds the Respondent to the same, the learned Arbitrator is also requested to take up the Application under Section 17 of the Act as expeditiously as possible.

6. In view of the statement of the learned counsel for the Respondents, the present applications stand disposed of.

6. The petitioner is aggrieved by the fact that despite the categorical statement recorded in the aforesaid order to the effect that there shall be no interference with the operations of the outlet of the petitioners, the respondent no.1 is not acting in consonance therewith and is preventing the petitioner from carrying out its business operations.

7. Issue notice.

8. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.

9. Learned counsel for the respondent no.1 makes a two-fold submission.

Firstly, it is submitted that there is an impediment in the petitioner operating its outlet despite the categorical undertaking by the respondents [as recorded in the order dated 16.03.2026 in O.M.P. (I) (COMM.) 87/2026] on account of the fact that the Airport Authority of India (AAI)/ respondent no.2 is unilaterally taking action against the petitioner. Secondly, it is submitted that contrary to the directions issued by this Court to the effect that the application of the petitioner under Section 17 of the Arbitration and Conciliation Act, 1996 (hereinafter “A&C Act”) be decided expeditiously, the petitioner is not cooperating with the same and did not even appear



before the learned Arbitrator on the previous date of hearing.

10. After some hearing, the following directions are issued:

(i) The respondent no. 1 shall adhere to the undertaking incorporated in the aforesaid order dated 16.03.2026 and will not interfere with the operation of the business being carried out by the petitioner in its sub-licensed premises.

(ii) The AAI shall not impede the operation of the above directions (and thereby facilitate disobedience/ non-compliance with the order passed by this Court) and will not obstruct the operations of business of the petitioner, subject to the petitioner adhering to the rules and regulations of the AAI.

(iii) The petitioner shall appear and argue his application filed under Section 17 of the A & C Act before the learned Arbitrator on the next date of hearing. It is agreed by the petitioner that if any adjournment is sought by the petitioner in the proceedings before the learned Arbitrator or if there is any omission on the part of the petitioner in appearing before the learned arbitrator, the aforesaid undertaking of the respondent no.1 shall no longer operate, and no interim order shall subsist in favour of the petitioner.

11. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

MARCH 23, 2026/at