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

+ **OMP (CONT.) 5/2025**

**SH. SUNDER LAL GUPTA**

.....Decree Holder

Through: **Mr. Manoj Chouhan and Ms. Neha Raj Singh, Advocates.**

versus

**M/S SAHYOG HOSPITALITY AND ORS THROUGH ITS PARTNERS**

.....Judgement Debtors

Through: **Mr. Apoorv Kurup, Senior Advocate along with Mr. Vijay Kasana, Mr. Chirag Verma, Mr. Vaibhav Sharma, Advocates with Judgment Debtors in person – Mr. Amit Jidani and Mr. Jitender Puri.**

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**OMP (ENF.) (COMM.) 284/2025**

**SH. SUNDER LAL GUPTA**

.....Decree Holder

Through: **Mr. Manoj Chouhan and Ms. Neha Raj Singh, Advocates.**

versus

**M/S SAHYOG HOSPITALITY AND OTHERS THROUGH ITS PARTNERS**

.....Judgement Debtor

Through: **Mr. Apoorv Kurup, Senior Advocate along with Mr. Vijay Kasana, Mr. Chirag Verma, Mr. Vaibhav Sharma, Advocates with Judgment Debtors in person – Mr. Amit Jidani and Mr. Jitender Puri.**

**CORAM:**

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**



**ORDER**  
**19.03.2026**

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**OMP (CONT.) 5/2025**

1. The present Petition has been filed under Section 27(5) read with Section 17(2) of the **Arbitration and Conciliation Act, 1996** [“Act”], seeking initiation of contempt proceedings against the Respondent/Contemnor for alleged wilful disobedience of the Order dated 06.11.2025 passed by the Arbitral Tribunal.

2. It is the case of the Petitioner that the Respondents have failed to comply with the directions issued by the learned Arbitrator *vide* Order dated 06.11.2025, particularly paragraph no. 4 thereof, which reads as under:

“4. For the aforesaid reasons, the application is allowed by directing the Respondent to deposit with the DIAC within 10 days the amount payable towards 81.25% of monthly mesne profits @ Rs.25,86,095/- for the last 12 months i.e. from 01.11.2024 till 31.10.2025. The Respondent will also deposit the proportionate GST on the aforesaid amount with the statutory authorities. The Claimant's prayer for directing the Respondents to continue to deposit monthly mesne profits during the pendency of these proceedings will be considered on the next date. Once the deposit is made with the DIAC, it will be open for the Claimants to move an appropriate application before this Tribunal to seek release of the said amount as per law. Further, the Respondents will remain restrained from making any changes or alterations in the subject property as also from creating any third-party rights in the same during the pendency of these proceedings.”

3. At the outset, the record reflects that there is also an Enforcement Petition, being OMP (ENF.) (COMM.) 284/2025, filed in respect of the very same Order and directions contained therein, passed by the learned Arbitrator.

4. Learned counsel appearing on behalf of the Petitioner, on instructions, submits that he does not wish to press the present Contempt Petition.



5. The present Contempt Petition, along with pending application(s), if any, stands dismissed as withdrawn.

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6. The present Petition has been filed under Section 17(2) of the Act, read with Order XXI Rule 11(2) of the Code of Civil Procedure, 1908, seeking enforcement of the Arbitral Order dated 06.11.2025 passed by the learned Sole Arbitrator.

7. Mr. Apoorv Kurup, learned Senior Counsel appearing on behalf of the Judgment Debtors, contends that the present Petition is not maintainable in view of the fact that a final Arbitral Award has since been rendered.

8. He submits that the subject matter of the present Petition stands substantially covered by the final Award and, therefore, the present proceedings would, in effect, amount to seeking enforcement of the Award itself. It is his contention that such a course would be contrary to the statutory scheme of the Act, which provides a period of three months for initiating proceedings under Section 34 for challenging the Award, during which period enforcement proceedings cannot ordinarily be initiated.

9. Learned Senior Counsel further submits that permitting the present Petition to proceed would, in effect, curtail the statutory period of three months available to a party for assailing the Award under Section 34 of the Act, and on that basis he urges that the present Petition is not maintainable.

10. This Court is, however, of the *prima facie* view that the aforesaid contention may not be entirely correct. The Act specifically provides, under Section 17(2), for enforcement of interim measures



granted by the Arbitral Tribunal. If the interpretation sought to be canvassed on behalf of the Judgment Debtors were to be accepted, the statutory mechanism for enforcement of interim measures would be rendered nugatory.

11. At this stage, learned Senior Counsel appearing for the Judgment Debtors seeks time to advance further submissions on the issue. The said request is allowed.

12. The parties are directed to file a brief note, not exceeding one page, in support of their respective submissions.

13. List on 07.04.2026 for further arguments.

14. A photocopy of the Order passed today be kept in the connected matters.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**MARCH 19, 2026/nd/kr/sg**