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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ OMP (ENF.) (COMM.) 275/2025, EX.APPL.(OS) 205/2026
(U/O XXI Rule 41(3) & EX.APPL.(OS) 207/2026 (Delay of 10
days in filing the affidavit of assets))

SHASHI BALA

.....Decree Holder

Through: Mr. Rizwan, Ms. Sachi Chopra
and Mr. Samarth Sharma,
Advocates

versus

KHURANA EDUCATIONAL SOCIETY AND ORS

.....Judgement Debtors

Through: Mr. Mayank Bhargava, Ms.
Aarushi Singh and Mr. Rajdeep
Saraf, Advocates

CORAM:

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

ORDER

02.04.2026

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1. The present Petition, filed under Section 17(2) of the Arbitration and Conciliation Act, 1996 [**“Act”**] read with Sections 10 & 15 of the Commercial Courts Act, 2015 and Order XXI of Code of Civil Procedure, 1908, seeks enforcement of the Interim Order dated 16.09.2025 [**“said Order”**] passed by the learned Arbitral Tribunal, adjudicating an Application seeking interim measures under Section 17 of the Act, in the matter titled *“Smt. Shashi Bala v. Khurana Educational Society (Regd.)”*.

2. The Judgement Debtors, by way of the said Order, were directed, *inter alia*, to deposit *mesne* profits/usage charges at the rate of Rs. 3,00,000/- per month, with effect from 15.10.2018.



3. Learned counsel for the Judgment Debtors submits that an Appeal, being ARB. A. (COMM.) 71/2025, under Section 37(2)(b) of the Act [**“Appeal”**] was preferred before this Court, assailing the said Order rendered by the learned Arbitral Tribunal.

4. Learned Counsel for the Judgment Debtors further submits that the said Appeal, by way of Judgement dated 26.02.2016 [**“said Judgement”**], stands adjudicated upon partly in favour of the Judgment Debtors, and consequently the present Petition has become infructuous.

5. Learned counsel for the Decree Holder, on instructions, submits that the Decree Holder is in the process of preferring a Special Leave Petition before the Hon’ble Supreme Court against the said Judgement.

6. In light of the foregoing submissions, this Court is of the view that, at this stage, since the subject matter, in respect of which execution is sought has already been adjudicated upon, no cause survives for consideration, and therefore the present Petition is rendered infructuous.

7. However, it is clarified that the Decree Holder herein shall be at liberty to move an appropriate Application to revive the present Petition, in the event they succeed before the Hon’ble Supreme Court.

8. Accordingly, the present Petition, along with pending Application(s), if any, stands dismissed as being infructuous as of today.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 02, 2026/rk/dj