

M/s DLF Home Developers Ltd. Vs. Beby (arb-101-2021)

Present: Sh. Kunal Dawar Advocate, counsel for applicant/petitioner

Petition under Section 9 of Arbitration and Conciliation Act 1996 received by entrustment. It be registered. Along with the main petition, petitioner has filed application for granting of ad-interim relief. As per facts, respondents had entered into collaboration agreement dated 20.05.2009. Petitioner company is a developer. Collaboration agreement is for development of land. The petitioner company is a well known developer. The respondent had agreed not to disturb or interfere with the development activities. A huge amount was paid to the respondent under the agreement. As per agreement there is arbitration clause. Respondent is trying to frustrate the claim of petitioner by creating 3rd party rights. The petitioner has prayed for restraining the respondent from the land under the agreement and from creating any sort of encumbrance.

Section 9 of the Act provides for interim measures which can be taken by the Court to protect the goods or secure the amount under arbitration. Interim injunction can be granted for that purpose. Counsel for petitioner has referred to law laid down by Hon'ble Delhi High Court in case titled as **"Shamsher Gujjar@Choudhary Vs. Sartaj Hotel Apartments and Villas Pvt. Ltd. & Others"** 2015(3) RAJ 2015, Wherein case of similar agreement, the order of status quo was ordered to be maintained. In the present case the rights of parties are required to be protected and respondent cannot allowed to interfere with the suit land or to create any encumbrance thereupon. Thus the respondent exparte is directed to maintain status quo regarding the suit property. Notice of petition as well as application for Ad-interim relief be issued to respondent for 16.07.2021 through ordinary process as well as through RC on furnishing of the same within 3 days. Dasti summons be taken if so desired.

(Sandeep Kumar Singla)
Additional District Judge
SAS Nagar (Mohali)
(UID No. PB0118)

Date of order: 28.04.2021
(Neeraj)