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

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Date of Decision: 17th June, 2022

+ **FAO(OS) (COMM) 159/2022**

UMESH GUPTA

..... Appellant

Through: Mr. Pankaj Agarwal, Mr. Uttam Kumar and Ms. Kaadambari, Advocates.

versus

YOGESH GUPTA

..... Respondent

Through: Mr. Puneet Yadav, Mr. Sourabh Gupta and Mr. Tarun Arora, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT

JYOTI SINGH, J. (ORAL)

CM APPL. 28443/2022 (Exemption)

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

FAO(OS) (COMM) 159/2022 & CM APPL. 28442/2022 (Additional Documents) & 28444/2022 (urgent directions)

3. By way of the present appeal, Appellant raises challenge to an order dated 06.06.2022 passed by the learned Single Judge in O.M.P(I) (COMM) 181/2022, which is extracted hereinbelow for ready reference:-

“1.0 This is a petition under Section 9 of Arbitration and Conciliation Act, 1996 (A&C Act) wherein the petitioner is praying for directions to the respondent inter alia to immediately hand over the machinery and activate the URL and



restore his rights to access of ERP etc, as detailed in prayer clause, pursuant to the arbitral award dated 01/02nd August 2021.

2.0 Learned counsel for the respondent challenges the maintainability of the present petition under Section 9 (A&C Act) in view of the fact that the respondent has already filed Enforcement Petition vide OMP (ENF.) (COMM) 125/2022, for enforcement of the aforesaid arbitral award, same is also listed for today.

2.1 Learned counsel for the respondent further submits that he requires time to make submissions, as they have received copy of the petition only on 02.06.2022. This fact finds mention in order dated 02.06.2022.

3.0 List on 27.06.2022.”

4. Perusal of the order shows that rights of the parties have not been adjudicated and the learned Single Judge has listed the matter for further consideration on 27.06.2022.
5. We see no reason to interfere in the impugned order.
6. Accordingly, appeal is dismissed along with pending applications.
7. It is made clear that we have not expressed any opinion on the merits of the case.

JYOTI SINGH, J
(VACATION JUDGE)

ANOOP KUMAR MENDIRATTA, J
(VACATION JUDGE)

JUNE 17, 2022/rk