

30-10-2018

Fresh petition received on assignment. It be checked and registered.

Present: Counsel for petitioner.

This is a petition u/s 9 of Arbitration and Conciliation Act, 1996.

Heard. Perused.

Notice of the petition be issued to respondent on taking steps returnable on 26-03-2019.

The petitioner has prayed for appointment of receiver with direction for taking possession of the vehicle in question i.e. **EICHER PRO 3015 HSD PS BSIII** having registration no. **HR-45-B-7410**. Request is being made for forthwith appointment of the receiver stating that the whole purpose of filing the petition will be frustrated, if the receiver is not appointed as the respondent is riping the fruits without paying for it.

I have considered the request. The loan agreement stipulates the resolution of disputes through arbitration therefore, the present petition is maintainable. In view of the reasons stated and submissions made, I appoint Sh. Hariom, Authorised Officer of the petitioner company as receiver for vehicle **EICHER PRO 3015 HSD PS BSIII** having registration no. **HR-45-B-7410** having registration no. **UP-36-B-7504** as mentioned in petition, with the direction to take over the custody of the same and to keep the same under his charge subject to all the formalities required and mandatory as per the directions of different

pronouncements made from time to time by the superior courts. In case any police aid is required, it will be permissible for the said Receiver to seek such aid in order to enable him to take possession of the vehicle from the concerned police station and the concerned SHO will not take the plea that area does not pertain to him. The said Receiver, after taking possession of the vehicle will issue appropriate receipt to the person from whose custody vehicle is taken and will also note down therein the condition of the vehicle and will ensure that the vehicle is kept in the same condition. This order will be subject to further orders after the party i.e. respondent appears before the court. Report of Receiver to be submitted within 21 days. Dasti order to be given.

Needless to state that the steps shall be taken to ensure the commencement of arbitration proceedings within 90 days.

Copy of this order to be also served upon the respondent along with the petition.

(NEERAJ GAUR)
ADJ-1(North)/Rohini
Delhi/30-10-2018