**LANDMARK JUDGMENTS UNDER ARBITRATION ACT.**

**II]SEC.9 AND SEC.17- INTERIM MEASURES BY COURT AND TRIBUNAL**

**1. Parsoli Motor Works vs BMW India p ltd**

 - power to grant injunctive relief, under [Section 9](https://indiankanoon.org/doc/1112600/) of the 1996 Act, has to abide by the provisions of the [Specific Relief Act](https://indiankanoon.org/doc/1671917/). Injunction which cannot be granted under [Section 41](https://indiankanoon.org/doc/1436285/) of the Specific Relief Act, cannot be granted under [Section 9](https://indiankanoon.org/doc/1112600/) of the 1996 Act, either. Neither can relief be granted, under [Section 9](https://indiankanoon.org/doc/1112600/), as would amount to specific enforcement of a contract which, by nature, is determinable, in view of [Section 41](https://indiankanoon.org/doc/1436285/)of the Specific Relief Act. Even in cases where a contract is being sought to be terminated, in violation of the terms thereof, if it appears that the party who suffers as a result of such termination could be adequately compensated in terms of money at the stage of final adjudication of the dispute, no injunctive relief, under [Section 9](https://indiankanoon.org/doc/1112600/) of the 1996 Act, would be granted.

**2.2004 SCC(3) 155Ashok Traders (Firm) & Anr.** Versus  
 Gurumukh Das Saluja & Ors

Section 9 -- Invocation of, Scope -- The party invoking Section 9 may not have actually commenced the arbitral proceedings but must be able to satisfy the court that the arbitral proceedings are actually contemplated or manifestly intended and are positively going to commence within a reasonable time -- What is a reasonable time will depend on the facts and circumstances of each case and the nature of interim relief sought for would itself give an indication thereof -- If arbitral proceedings are not commenced within a reasonable time of an order under Section 9, the relationship between the order under Section 9 and the arbitral proceedings would stand snapped and the relief allowed to the party shall cease to be an order made `before is in contemplation of arbitral proceedings -- Court may also while passing an order u/s 9 put the party on terms and may recall the order if the party commits breach of the terms.