

\$-67 & 68

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

+ ARB.P. 301/2013 and IA No.11454/2013 (stay)

FRONTLINE PAPERS P LTD

..... Petitioner

Through: Mr. Girdhar Govind, Mr. Rajeev Kr.
Mishra, Mr. Ayush Negi and Mr. Prem Pankaj,
Advocates

versus

HANDICRAFT AND HANDLOOMS EXPORT
CORPORATION OF INDIA LTD

..... Respondent

Through: Mr. Amit Kumar, Mr. Ankit Rajgarhia
and Mr. Atul Kumar, Advocates

+ ARB.P. 302/2013 and IA No.11455/2013 (stay)

FRONTLINE PAPERS P LTD

..... Petitioner

Through: Mr. Girdhar Govind, Mr. Rajeev Kr.
Mishra, Mr. Ayush Negi and Mr. Prem Pankaj,
Advocates

versus

HANDICRAFT AND HANDLOOMS EXPORT
CORPORATION OF INDIA LTD

..... Respondent

Through: Mr. Amit Kumar, Mr. Ankit Rajgarhia
and Mr. Atul Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

24.07.2013

These are the petitions moved under Section 11 of the
Arbitration and Conciliation Act, 1996. It is not disputed by the
learned counsel for the petitioner that the respondent had taken

ARB.P. 301/2013 & 302/2013

62

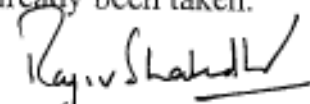
recourse to the provisions of the Public Premises Act in respect of the premises in issue as also with regard to the goods in the premises in issue.

It is not disputed that before the Estate Officer, the petitioner had raised a plea that in respect of damages pertaining to the goods in issue, the matter was covered by an arbitration agreement between the parties. The Estate Officer admittedly vide order dated 22.02.2013 rejected the plea.

Against the said order of the Estate Officer, appeals have been preferred before the District Judge, being: PPA No.2/2013 and PPA No.3/2013. The appeals admittedly, inter alia, pertain to the issue which arises in the present petitions i.e., that the dispute is covered by the arbitration agreement. I am told that the appeals are coming up before the District Judge on 14.08.2013.

The learned counsel for the petitioner says that the District Judge is not holding the court for quite some time. The counsel for the respondent on the other hand says that on three occasions, applications for stay have been filed before the District Judge, which were dismissed.

Having regard to the aforesaid facts and circumstances, I am of the view that the petitions are premature and are accordingly dismissed. The petitioners will have to exhaust, in the first instance, the remedies, to which, recourse has already been taken.


RAJIV SHAKDHER, J

JULY 24, 2013/yg
ARB.P. 301/2013 & 302/2013

Page 2 of 2