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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **O.M.P. 757/2013**

VINOD KRISHNAMURTHY & ORS Petitioners
Through Mr. Akhil Sibal, Mr. Nitin Wadhwa,
Mr. Amit Mishra and Mr. P.Datta,
Advs.

versus

MIMAKI ENGINEERING CO LTD & ANR Respondents
Through Mr. Rajiv Nayar, Sr. Adv. and
Mr.Suhel Dutt, Sr. Adv. with Mr.
Abhixit Singh, Mr. Abhishek Seth
and Mr. Rahul Raj, Advs.

+ **O.M.P. 464/2013**

MIMAKI ENGINEERING COMPANY LTD. Petitioner
Through Mr. Rajiv Nayar, Sr. Adv. and
Mr.Suhel Dutt, Sr. Adv. with
Mr. Abhixit Singh, Mr. Abhishek
Seth and Mr. Rahul Raj, Advs.

versus

MIMAKI KANPHOR INDIA PVT. LTD. & ORS..... Respondents
Through Mr. Akhil Sibal, Mr. Nitin Wadhwa,
Mr. Amit Mishra and Mr. P.Datta,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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31.07.2013

1. O.M.P. No.757/2013 is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 (in short the Act).

O.M.P. No.757/2013 & OMP No.464/2013

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2. With the consent of the parties, OMP No.464/2013, filed by respondent No.1 herein, under Section 9 of the Act, is also called from the Registry and taken up for hearing.

3. Counsels for the parties are agreed that the captioned petitions can be disposed of with the following agreed directions:

(1) Even though there is an arbitration clause obtaining between the parties, which gives liberty to each party to nominate its arbitrator with the two arbitrators appointing an Umpire, they agree that a sole arbitrator be appointed by this Court.

(2) The captioned petitions along with the pleadings be placed before the sole Arbitrator, who will treat the same as applications under Section 17 of the Act.

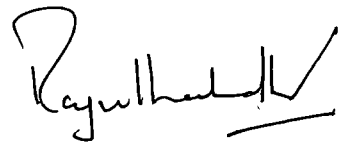
(3) Interim orders passed in OMP No.464/2013, will continue to operate, till the said petition/application is disposed of by the learned Arbitrator.

(4) Since, there is no interim order in the captioned OMP, i.e OMP No.757/2013, Mr. Nayar, on instructions, states that the subsidiary company, i.e. Mimaki Kanphor India (Pvt.) Ltd. will not commence its business activities till the disposal of OMP No.757/2013/ application by the learned Arbitrator.

(5) Needless to say the parties will be free to file their claims and counter claims before the learned Arbitrator, who will adjudicate upon them as well as the captioned OMPs/applications, as indicated above.

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4. In view of the aforesaid agreed directions, Hon'ble Mr. Justice R.V. Raveendran, a retired Judge of the Supreme Court, is appointed as the Sole Arbitrator in the matter.
5. Counsels also agree that the arbitration proceedings will abide by the rules and fee schedule of the Delhi International Arbitration Centre (DIAC).
6. The learned Arbitrator shall endeavour to dispose of the captioned OMPs/applications as expeditiously as possible.
7. With the aforesaid directions, the petitions are disposed of.
8. Parties and their counsels will present themselves before DIAC on 19.8.2013 at 3.00 pm.
9. Parties will be free to file their replies and rejoinder, if any, before the aforementioned date so that pleadings are completed.
10. The above agreed order will not come in the way of parties advancing their respective contentions on the merits of the matter.
11. Consequently, 13.9.2013, fixed as the date of hearing in OMP No.464/2013, shall stand cancelled.
12. Dasti.


RAJIV SHAKDHER, J

JULY 31, 2013
s.pal