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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 215/2016

SRL LIMITED

..... Petitioner

Through: Mr. Neeraj Kumar, Advocate.

versus

KRUKSHETRA HEALTH CARE AND ANR Respondents

Through: Mr. S.S. Momi, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

25.10.2016

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (Act) filed by the Petitioner, SRL Limited, against the Respondents, Kurukshetra Health Care, Respondent No. 1, and Sushil Kumar, Respondent No. 2 seeking reference of the disputes to the arbitration.

2. Learned counsel for the Respondents points out that the petition does not make any reference to the date on which the amount claimed by the Petitioner became due to it. Indeed neither the notice dated 6th February 2015 nor the earlier legal notice dated 25th November 2014 issued by the Petitioner to the Respondent indicates the date from which said amount fell due to it. According to the Respondents, the agreement between the parties came to an end on 20th February 2014. It is not stated anywhere in the said notice, or in the petition, as to when the invoices which were to be paid were raised by the Petitioner and when they were failed to be honoured, thus giving rise to the claim of the Petitioner. With this essential fact not having been stated by the Petitioner, it is not possible to

ascertain whether the invocation of the arbitration clause by the Petitioner is within limitation.

3. The Court accordingly holds that since there is no proper invocation of the arbitration clause by the Petitioner, it is not possible at this stage to pass the consequential order of appointment of the arbitrator.

4. The petition is accordingly dismissed.

OCTOBER 25, 2016

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S.MURALIDHAR, J