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

+ **CS(OS) 843/2014 and IA No. 23844/2014**

R.C PANWAR

..... Plaintiff

Through :Mr. I.S. Alag and Mr. J.S. Lamba,
Advs.

versus

WSP ENGINEERING SERVICES LTD

..... Defendant

Through : Attendance slip not given

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.08.2015

IA No. 17413/2015 (Sec. 151 CPC filed by the plaintiff) & IA No.20631/2014

By this application, plaintiff has prayed that the present suit be referred to the Arbitral Tribunal of Hon'ble Mr. Justice K. Ramamoorthy (Retd.) in Delhi International Arbitration Centre, where disputes arising from the same Lease Deed, are pending adjudication.

Plaintiff has filed this suit for recovery of ₹34,67,575/- along with pendente lite and future interest @ 18% per annum on account of loss of rent, mesne profits and expenses incurred by the plaintiff on account of illegal acts and omission of the defendant. After service of summons, defendant has filed an application under Section 8 of the Arbitration and

Conciliation Act, 1996 (“the Act”, for short) being IA No. 20361/2014 for the following reliefs:

- “a) Direct the plaintiff to raise the monetary claims filed in the present suit in the arbitration proceedings already initiated by the defendant herein;
- b) In the alternative, stay the proceedings of the present suit pending disposal of SLP (Civil) N. 26714 of 2013 pending before the Supreme Court.
- c) Pass any other or further order as may be deemed fit and proper in the facts and circumstances of the case.”

Initially, plaintiff opposed this application but now by the present application, plaintiff has conceded the existence of arbitration agreement between the parties and has prayed for referring the subject matter of the suit to the Arbitral Tribunal, where the disputes between the parties involving the Lease Deed are pending. In fact, plaintiff has given up challenge to the IA No. 20361/2014 under Section 8 of the Act filed by the defendant and has now conceded for referral of the disputes, involved in the present suit, to the arbitration.

I.A. No. 20361/2014 is listed for 7th October, 2015 for hearing. With

the consent of learned counsels, the date is preponed for today and the said application is also taken up along with the present application.

As per the defendant, suit was not maintainable in view of the arbitration clause binding the parties, inasmuch as defendant itself prayed for referral of the disputes to the Arbitral Tribunal, before whom arbitration proceedings are pending between the parties. Since existence of the arbitration clause has been admitted, parties are bound to be referred to the arbitration, as is envisaged by Section 8 of the Act.

For the foregoing reasons, both the above applications are allowed and it is ordered that subject matter, involved in the present suit, shall also stand referred to the same Arbitral Tribunal, where disputes between the parties are pending adjudication. Parties are at liberty to take all the legal pleas as may be available to them, before the Arbitral Tribunal.

Suit is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Copy of this order be given dasti to both the parties under the signatures of Court Master.

A.K. PATHAK, J.

AUGUST 21, 2015

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