

O.A.Nos.154 to 156 of 2016
and A.Nos.1325 and 1326 of 2016

RAJIV SHAKDHER, J.

O.A.Nos.154 to 156 of 2016

1. The following prayers are made in the captioned applications :

1.1. O.A.No.154 of 2016 :

"..... to pass an order restraining the respondent, their men, agents or anybody claiming through and or on behalf of the respondent from in any way acting as an authorised dealer of the applicant company."

1.2. O.A.No.155 of 2016 :

".... to pass an order restraining the respondent, their men, agents or anybody claiming through and or on behalf of the respondent from in any way using the signs bearing the word "Renault" or any Renault Marks/Logo."

1.3. O.A.No.156 of 2016 :

".... to pass an order restraining the respondent, their men, agents or anybody claiming through and or on behalf of the respondent from in any way using the goods of the applicant company."

2. Interim order was passed in the captioned applications on 14.03.2016.

3. The respondent has filed counter-affidavit in all these applications, in which, the broad stand taken is : that the respondent is not using the word "Renault" or any other mark or logo, similar to the said word ; the respondent does not wish to act as the authorised dealer of the applicant ; and lastly, the respondent is not using any of the goods of the applicant.

4. Furthermore, learned counsel for the parties inform me that an Arbitrator has been appointed in the matter, and that, the arbitration proceedings have commenced in respect of the disputes obtaining between the parties herein.

5. Having regard to the stand taken by the respondent, interim order dated 14.03.2016 is made absolute. Parties will work out their reliefs, if any, before the Arbitrator.

6. Needless to say the parties will be at liberty to move interlocutory application(s) before the learned Arbitrator, under Section 17 of the Arbitration and Conciliation Act, 1996 (in short "the 1996 Act"), if they so desire.

7. Consequently, the captioned applications are disposed of, in the aforesaid terms.

8. It is made clear that any order passed by this Court and observations made therein will not come in the way of the learned Arbitrator, in finally adjudicating upon the disputes obtaining between the parties.

A.Nos.1325 and 1326 of 2016

9. These are applications filed, for appointment of Advocate Commissioners.

9.1. In these applications, notice was issued on 14.03.2016.

10. Learned counsel for the respondent says that the counter-affidavit filed in respect of O.A.Nos.154 to 156 of 2015 would suffice in respect of the captioned applications.

11. Counsels agree that these applications can be disposed of, with a direction that they be placed before the Arbitrator, who may treat the same as applications under Section 17 of the Arbitration and Conciliation Act, 1996.

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12. It is ordered as prayed.

12.1. Learned Arbitrator will pass appropriate orders in the aforementioned applications, upon hearing the parties, based on the pleadings already filed in this Court.

13. The captioned applications are consequently closed, insofar as this Court is concerned.

29.08.2016

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