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

+ **CS(OS) 3180/2011 and I.A. No. 22379/2015**

IFCI FACTORS LIMITED Plaintiff

Through: Ms. Anjali Sharma, Advocate.

versus

SURESH KUMAR MADHUSOODHAN KAMALA & ANR

..... Defendants

Through: Mr. Sindhu Sinha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **27.05.2016**

1. Without prejudice to respective rights of the parties as regards validity or otherwise of the arbitration agreement, it is agreed that issues which are the subject matter of the present suit be referred to arbitration under the aegis of the Delhi International Arbitration Centre.

2. It is further agreed that this order is taken as an arbitration agreement between the plaintiff and the principle borrower company, namely M/s Daily Life Retail and Trading (P) Limited, though M/s Daily Life Retail and Trading (P) Limited is not a party to the present suit.

3. Effectively therefore all the disputes which are disputes between the parties to the present suit and the disputes between the

parties to Arbitration Petition No. 214/2012 are referred to arbitration in terms of the order.

4. Counsel for the parties agree that Hon'ble Ms. Justice Manju Goel, a retired judge of this Court [Mobile No. 9818000330], be appointed as an Arbitrator to enter upon reference and decide the disputes between parties to the present suit and parties to Arbitration Petition No. 214/2012 and accordingly she is appointed as an Arbitrator.

5. Parties will pay fees as per the rules framed by the Delhi International Arbitration Centre and they will be governed by the rules of the Delhi International Arbitration Centre so far as the arbitration proceedings are concerned.

6. Since the suit is disposed of as withdrawn sending the parties to arbitration, in terms of Section 89 CPC, the entire court fee paid by the plaintiff is directed to be refunded to the plaintiff and the Registry will issue necessary certificate of the complete court fees refund within a period of six weeks from today.

7. The suit is accordingly disposed of and parties in terms of the present order will move an application in Arbitration Petition No. 214/2012 so that the same is also disposed of in terms of the present order.

VALMIKI J. MEHTA, J

MAY 27, 2016

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