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

+ O.M.P.(I) (COMM.) 419/2016 & IA No.13905/2016

ZTE TELECOM INDIA PVT LTD

..... Petitioner

Through: Mr Salman Khurshid, Senior Advocate, Mr T. K. Ganju, Senior Advocate, Mr Vijay Kaundal, Mr Ravi Bishnor, Mr Rupesh Gupta, Mr Nitish K. Sharma, Mr Vikram Gupta, Mr Vikramaditya Singh, Ms Sakshi Kotyal and Ms Alisha Panda, Advocates.

versus

OM TELECOM LOGISTICS PVT LTD

..... Respondent

Through: Mr S. Ganesh, Senior Advocate with Mr Narendra Mohan. Sharma, Ms Sakshi Mehley, Mr Ankur Sood and Ms Romila Mandal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.11.2016

1. The learned counsel for the respondent states that the respondent has no objection to the petitioner removing its goods within a period of one week from today. He further submits that there are warehousing charges that are payable by the petitioner in addition to other claims of the respondent as well as its group company, that is, Om Logistics Ltd. (Petitioner in O.M.P.(I) (COMM.) 455/2016).

2. The learned counsel for the petitioner states that it would take about four weeks for the petitioner to remove all its goods and the petitioner is

willing to pay the warehousing charges for the same, which are approximately ₹32 lacs per month.

3. In view of the above, it is directed that the petitioner will remove its goods within a period of four weeks from today. The petitioner will be liable to pay warehousing charges for the period of four weeks from today - the period within which the petitioner shall remove its goods from the respondent's godowns - and the petitioner shall pay an adhoc sum of ₹32 lacs towards those charges. In addition, the petitioner shall also pay other amounts, which are admitted to be due and payable to the respondent.

4. The learned counsel for the parties further state that they are agreeable that all disputes between the parties be also decided by the sole arbitrator appointed by virtue of an order passed today in O.M.P. (I) (COMM.) 455/2016. Accordingly, Justice Vikramajit Sen (Retired) (Mob. No.+91 8447333366), a former judge of the Supreme Court of India, is appointed as the sole arbitrator to adjudicate the disputes between the parties. The parties are at liberty to file their claims and counter-claims before the Sole Arbitrator.

5. The petition is disposed of with the aforesaid directions.

6. Order *dasti*.

VIBHU BAKHRU, J

NOVEMBER 24, 2016
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