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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) 419/2015

PEC LIMITED

..... Petitioner

Through: Mr. Shiv Shankar Banerjee and Mr.
Soumya Dutta, Advocates.

versus

R. PIYARELALL IMPORT AND EXPORT LIMITED (NOW
CLAIMING TO BE RYTHEM OVERSEAS
TRADE LIMITED)

..... Respondent

Through: Mr. Tejas Karia, Mr. Surjendu Sankar
Das and Mr. Siddharth Agrawal, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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28.11.2016

1. Learned counsel for the Petitioner at the outset states that on 26th September 2015 a notice was sent to the Respondent invoking the arbitration clause. Learned counsel for the Respondent, on the other hand, denies that any such notice was ever issued to the Respondent. A copy of the said notice has, admittedly, not been filed in these proceedings.
2. It is open to the Petitioner now to ensure that either a copy of the said notice is handed over to the Respondent along with proof of delivery of such notice or a fresh notice of invocation of arbitration is sent to the Respondent.
3. With the interim orders already passed in this petition not being efficacious, for the reasons already noted in the earlier orders, the question

of passing any further interim orders at this stage does not arise.

4. As and when the Arbitral Tribunal is constituted, as envisaged between the parties, it will be open to either party to seek appropriate interim reliefs before the AT.

5. The petition is disposed of in the above terms.

S. MURALIDHAR, J

NOVEMBER 28, 2016

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