

\$~55 & 56

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

+ **O.M.P.(I) (COMM.) 14/2015**

ALCHEMIST TOUCHNOLOGY LTD Petitioner

Through: Mr. Rajiv Nayar, Senior Advocate with
Mr. Darpan Wadhwa, Mr. Saurabh Seth &
Mr. S. Chakraborty, Advocates.

versus

RBI MARKETING (NETHERLAND) B.V Respondent

Through:

+ **O.M.P.(I) (COMM.) 21/2015**

RBI MARKETING (NETHERLAND) B.V Petitioner

Through:

versus

ALCHEMIST TOUCHNOLOGY LTD Respondent

Through: Mr. Rajiv Nayar, Senior Advocate with
Mr. Darpan Wadhwa, Mr. Saurabh Seth &
Mr. S. Chakraborty, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

%

14.12.2016

IA No.15432/2016 in OMP (I) (Comm.) No.14/2015

IA No.15439/2016 in OMP (I) (Comm.) No.21/2015

1. Despite an advance copy being served on the counsel for the non-applicant and despite a passover, none appears for the non-applicant.

2. It is pointed out that under the arbitration clause in the Agreement, in

terms of clause 22.1 in the event of any dispute between the parties an attempt is to be first made to resolve the disputes and thereafter if it fails, to mediation and then to arbitration.

3. In that view of the matter para 1 of the order dated 28th November, 2016 is modified as under:

“1. These petitions under Section 9 of the Arbitration and Conciliation Act 1996 have been pending for more than one year and the parties have not yet taken steps under clause 22.1 of the Agreement. Mr. Nayar, learned Senior counsel states that the Petitioner in O.M.P.(I) (COMM.) 14/2015 will be taking steps under clause 22.1 not later than 60 days from today. It is open to either party to seek appropriate interim reliefs in the arbitral proceedings in accordance with law.”

4. The applications are disposed of in the above terms.

S. MURALIDHAR, J.

DECEMBER 14, 2016

b'nesh