

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

52

+

O.M.P.(I) (COMM) 1/2016 & I.A. 7172/2016

TATA TELESERVICES LIMITED & ANR Petitioners
Through: Mr. Prateek Kumar with Ms. Anushka
Sharda and MR. Sukshan Chauhan, Advocates.

versus

LOOP TELECOM LIMITED ... Respondent
Through: Mr. Chaitanya Safaya with Ms. Shruti
Garg, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

%

02.11.2016

1. Having heard learned counsel for the parties, it is seen that there is an issue about the arbitrability of the disputes between the parties, both of whom are telecom service providers. In any event that question need not be decided by this Court because no application, as of today, has been filed by the Petitioner, after invoking the arbitration clause, to have the arbitral tribunal constituted.

2. It is also contended by learned counsel for the Respondent that the Petitioner has invoked the remedy available under the Companies Act, 1956 and has filed a winding up petition against the Respondent in which there are interim directions issued on the same lines of the interim order dated 5th January 2016 passed in this petition.

3. In the circumstances, the Court directs that the order dated 5th January 2016 whereby the Respondent company was restrained from disposing off or alienate or encumber either directly or indirectly, or otherwise parting with the possession of any of its to the extent of more than Rs. 2.68 crores, except in the ordinary course of business and for the payment of salaries and statutory dues, will continue for a period of six weeks from today by which time the Petitioner will file an application under Section 11 of the Arbitration and Conciliation Act, 1996. The said interim order will come to an end if no steps are taken by the Petitioner for constitution of the arbitral tribunal within the time granted. It is further clarified that this direction is not intended to be construed as an opinion by the Court as to the maintainability of such an application. It is open to the Respondent to contest such application on the ground of maintainability.

4. The petition and application are disposed of in the above terms.

S.MURALIDHAR, J

NOVEMBER 02, 2016

Rm