

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.1 OF 2017
AND
ARBITRATION APPLICATION NO.19 OF 2017

COMMON ORDER:

While the original application was filed to restrain the ICC from proceeding with the arbitration, the applicant has since amended the prayer, and now seeks appointment of an arbitrator. While Sri P. Raja Sripathi Rao, Learned Counsel for the respondent, vehemently opposes the application contending that no application could have been filed seeking to restrain the ICC from proceeding with the arbitration, I see no reason to deny the applicant the relief sought for. The amendment petition is, accordingly, ordered.

Sri K. Raghavacharyulu, Learned Counsel for the applicant, would submit, drawing my attention to **Antrix Corporation Limited v. Devas Multimedia Private Limited**¹, that, since the arbitral proceedings have already commenced before the International Chamber of Commerce for arbitration in Paris, the law declared in **Antrix Corporation**¹ would require this Court not to entertain an application for appointment of an arbitrator.

In the light of the submission of the Learned Counsel for the applicant himself, no relief need be granted in these applications. Both the applications are dismissed, leaving it open to the applicant to agitate their grievance before the ICC.

RAMESH RANGANATHAN, ACJ

Date: 13.10.2017.

MRKR

¹ (2014) 11 SCC 560

