

10
\$~12

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

+ W.P.(C) 10925/2016 & CM No. 44126/2016

M/S. RAMENDRA OIL CARRIER

..... Petitioner

Through: Mr K. P. Singh and Mr K. K.
Srivastava and Mr Rishabh Singh,
Advocates.

versus

M/S. HINDUSTAN PETROLEUM CORPORATION
LTD. (HPCL) & ANR.

..... Respondents

Through: Mr Naveen Kumar Raheja, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

01.09.2017

1. The petitioner has filed the present petition, *inter alia*, impugning a letter dated 16.08.2016, terminating the Bulk Petroleum Products Road Transport Agreement dated 28.02.2015 (hereafter 'the Agreement'). It is seen that the Agreement contains an arbitration agreement (clause), whereby the parties had, *inter alia*, agreed that all differences and disputes of whatsoever nature would be resolved by arbitration.

2. It is also seen that the present question involves a disputed questions of fact and, therefore, this Court does not consider it appropriate to entertain the petitioner's grievance in these proceedings. It will be open for the petitioner to invoke the arbitration clause, and agitate its grievances before the Arbitral Tribunal, as and when constituted.

Signature Not Verified

Signing Date: 16.10.2024 16:52:42
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

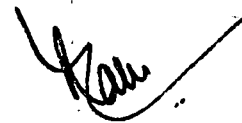
11

3. It is also seen that the respondents had taken an action of blacklisting the petitioner for a period of five years. The learned counsel for the respondents states that the validity of the said issue, as well as the quantum of black listing can also be decided by the Arbitral Tribunal.

4. It is also seen that the petitioner has not specifically challenged the black listing order dated 10.01.2017 in this petition.

5. In view of the above, it will also be open for the petitioner to challenge it before the Arbitral Tribunal.

6. The petition is disposed of with the aforesaid clarification.



VIBHU BAKHRU, J

SEPTEMBER 01, 2017
MK