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

+ O.M.P.(I) (COMM.) 289/2017

FANKAAR INTERIORS PVT LTD Petitioner

Through Mr.Rajat Joseph, Adv.

versus

LARSEN & TOUBRO LTD, & ANR. Respondents

Through Mr.Manu Seshadri and Mr.Samarth
Choudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.09.2017**

Pursuant to the order dated 22.08.2017 passed by this court, the learned counsel for the respondent submits that the petitioner has not yet invoked the arbitration clause. He further submits that in the eventuality the petitioner invokes the arbitration clause, the respondent would take steps for appointment of an arbitrator.

Learned counsel for the petitioner submits that in terms of clause 24 of the Agreement the petitioner shall invoke the arbitration clause within two days from today. He shall handover the copy of the notice invoking the arbitration clause to learned counsel for the respondent. The respondent will thereafter forthwith take steps for appointment of an arbitrator.

The present petition is accordingly disposed of with liberty to the petitioner to move an appropriate application for relief sought here under

Section 17 of the Act before the learned Arbitrator.

Subject to the petitioner invoking the arbitration clause as above in two days, till the learned Arbitrator appointed by the respondent enters into reference, the respondent shall not invoke the bank guarantee. This order is passed without prejudice to the rights and contentions of the parties.

JAYANT NATH, J

SEPTEMBER 05, 2017

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