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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 601/2017 & I.A. 13302/2017

M/S A.S. NUTECH ELECTRICALS PVT. LTD. Plaintiff

Through: Mr. Randhir Jain, Advocate with

Mr. Bhoop Singh, Advocate.

versus

M/S LARSEN & TOUBRO LTD.

..... Defendant

Through: Mr.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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14.11.2017

Present suit has been filed for recovery of Rs.1,78,67,117/- together with pendente lite and future interest @18% per annum from the date of institution of the suit till the time actual payment is made. Plaintiff has further prayed for discharge of its bank guarantees.

In pursuance to the summons issued by this Court, the counsel for defendant entered appearance on 02nd November, 2017 and stated that he had already filed an application under Section 8 of the Arbitration and Conciliation Act, 1996.

In I.A. 13302/2017 filed by the defendant-applicant under Section 8 of the Arbitration and Conciliation Act, 1996, it has been stated that the Clause 20 of the terms and conditions annexed with the letter of intent dated 10th March, 2011, contains an arbitration clause. The said Clause 20 reads

as under:-

“20. Resolution of Disputes:

All disputes of difference of opinions, on account of interpretation clauses, technical specifications etc. shall be resolved through direct and mutual discussions. In the case of difference of opinion is still persisting, then the matter shall be referred to Arbitration and Conciliation Act 1996 as amended from time to time. Such arbitration proceedings will take place in Chennai and shall be subject to jurisdiction of the courts in Chennai”.

Today, learned counsel for plaintiff states that he has no objection to the matter being referred to the Arbitration provided the Court-fees paid in the present suit is refunded.

Consequently, with consent of parties, this Court refers the parties to the Arbitration. Accordingly, present suit stands disposed of.

Registry is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by them in the present suit.

MANMOHAN, J

NOVEMBER 14, 2017

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