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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 38/2018, CCP(O) 8/2018 & IA Nos. 2206/2018
& 2218/2018

SHOPLERS E-TRADE PRIVATE LIMITED Petitioner

Through: Mr Shubhankar Sen, Advocate
alongwith petitioners in person.

versus

BBI FITNESS SERVICES PRIVATE LIMITED
& ORS. Respondents

Through: Mr Vishesh Issar and Mr Rahul
Dhawan, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **11.05.2018**

1. The learned counsel appearing for the petitioner at the outset submitted that the petitioner is willing to resolve the disputes by mediation, failing which, the petitioner would also have no objection if an independent arbitrator is appointed to adjudicate the disputes between the parties. He submitted that, although, the respondent had appointed an arbitrator, the petitioner has raised an objection under Section 12 & 13 of the Arbitration and Conciliation Act, 1996 challenging the appointment of the Arbitrator. He submitted that further proceedings in this regard could be avoided if the respondent agrees for an arbitrator to be appointed by this Court or a neutral Arbitrator is appointed.
2. The learned counsel appearing for the respondent is not agreeable to

either of the aforesaid two suggestions made by the learned counsel for the petitioner. He states that mediation is not feasible in view of the insurmountable difference in the respective stands of the parties. He further contends that the objections raised to the appointment of the arbitrator are unmerited and an independent arbitrator has been appointed. Further, the said Arbitrator has also held one hearing and the next hearing is scheduled on 15.05.2018.

3. In view of the above, it is not apposite to refer the parties to mediation.

4. At this stage, learned counsel for the petitioner states that he does wish to press the present petition without prejudice to the petitioner's rights to raise all contentions before the Arbitral Tribunal or any other forum.

5. The petition is dismissed as not pressed with the liberty as prayed for. All the pending applications are disposed of.

VIBHU BAKHRU, J

MAY 11, 2018
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