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

+ O.M.P.(I) (COMM.) 189/2018

DEEPAK SHARMA

..... Petitioner

Through: Mr Akshay Ringe and Mr Jaskaran
Singh, Advocates.

versus

MAYASHEEL RETAIL LLP
& ORS.

..... Respondents

Through: Mr Pradeep Aggarwal, Mr A. P. Jain,
Ms Suman Lata Katiyar, Mr Arjun
Aggarwal, Mr Karan Khanna and Mr
Aniket Bhattacharya, Advocates for
R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.05.2018

IA No.6790/2018 & O.M.P.(I) (COMM.) 189/2018

1. Respondent nos.1 & 2 has filed the present application seeking modification of the order dated 25.04.2018, whereby the Local Commissioner was appointed to inspect the books of accounts. The Local Commissioner has reported that the books of accounts of respondent no.1 could not be inspected for the reason that the books were not available at its registered office. During the course of arguments, Mr Aggarwal, the learned counsel appearing for the applicants/respondents submits that the books of accounts are maintained on a ERP and the said books can be provided to the learned counsel for the petitioner.

2. The learned counsel appearing for the parties also agree that the disputes arising out of or relating to the LLP Agreement dated 22.01.2015 (hereafter 'the Agreement') be referred to the sole arbitrator. Thus, with the

consent of the parties, Justice Indermeet Kaur (retired) (Phone No. 23382128), a former judge of this Court is appointed as a sole arbitrator to adjudicate the disputes falling within the scope of arbitration clause as contained in the Agreement. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act.

3. The learned counsel appearing for the respondent shall provide a soft copy of the ledgers, bank books and the final accounts for the preceding two years to the learned counsel for the petitioner within a period of one week from today.

4. This Court is informed that respondent no.1, LLP has now been converted into a company. Accordingly, it is directed that status quo as to the affairs of the company shall be maintained. The learned counsel appearing for the applicants/respondents states on instructions that he also represents Mayasheel Retail India Limited and that the said company will also be bound by the arbitration agreement as a party.

5. The above directions are subject to further order(s) that may be passed by the Arbitral Tribunal. Both the parties are at liberty to approach the Arbitral Tribunal for seeking further orders/modification of the above order. This would also include orders regarding the conduct of the affairs and business of the company – Mayasheel Retail India Limited.

6. The application as well as the above captioned petition is disposed of. The date already fixed as 04.07.2018 stands cancelled.

VIBHU BAKHRU, J

MAY 16, 2018/MK