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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 12.7.2018

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O.M.P.(I) (COMM.) 282/2018

SALUJA OVERSEAS PRIVATE LIMITED & ORS..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Mr. Anshuj Shingra and Mr.
Kartik Sethi, Advs.

Versus

**BRIGHTSTAR TELECOMMUNICATIONS
INDIA LTD**

..... Respondent

Through: Mr. Harsh Kaushik with Ms. Sarita
Panda, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

I.A. No.8918/2018

1. Allowed, subject to just exceptions.

O.M.P.(I) (COMM) No.282/2018

2. Issue notice.

2.1 Mr. Harsh Kaushik, who, appears on advance notice on behalf of the respondent, accepts notice.

3. Mr. Nandrajog, learned senior counsel, who, appears for the petitioners, on instructions of Mr. Anshuj Dhingra, advocate-on-record, fairly states that what requires to be done in the matter is that the parties should have their *inter se* disputes decided at the earliest.

4. Mr. Nandrajog further submits that while the amount reflected in the subject bank guarantee will be paid by the petitioners to the respondent within three weeks from today, an arbitrator could be appointed in the matter for deciding the disputes on merits.

5. Learned counsel for the respondent says that he is agreeable to the appointment of an Arbitrator in the matter.

5.1 Both counsel agree to the appointment of Hon'ble Mr. Justice B.D. Ahmed, former Chief Justice, High Court of Jammu & Kashmir as the Arbitrator in the matter.

6. Accordingly, the captioned petition is disposed of with the following directions:

- (i) The petitioners will pay a sum of Rs.4.30 Crores to the respondent within three weeks from the receipt of a copy of this order.
- (ii) Hon'ble Mr. Justice Badar Durrez Ahmed, former Chief Justice, High Court of Jammu & Kashmir, will act as an Arbitrator in the matter.
- (iii) The arbitration proceedings will be held under the aegis of the Delhi International Arbitration Centre (DIAC)
- (iv) Counsel for the parties also agree that the rules and regulations as also the fee schedule prescribed by DIAC will govern the arbitration proceedings.
- (v) Upon receipt of the sum of Rs.4.30 Crores, the respondent will return the original bank guarantee to the petitioners.

(vi) The payment of Rs.4.30 Crores will be without prejudice to rights and contentions of the petitioners.

7. *Dasti.*

RAJIV SHAKDHER, J

JULY 12, 2018/pmc

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