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

+ **O.M.P.(I) (COMM.) 231/2017**

RHITI SPORTS MANAGEMENT PVT LTD Petitioner

Through: **Mr. J.S. Lamba with Mr. R.S. Bisht
and Mr. Jaitegan Singh, Advs.**

versus

SHAREAVENTURE LTD. & ANR. Respondent

Through: **Mr. Roopesh Purohit with Mr. Harsh
Panar and Mr. Shaantanu Jain, Advs.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **12.09.2018**

1. Learned counsel for the petitioner, as directed by this Court vide order dated 30.7.2018, has placed the order of the Supreme Court dated 30.7.2018, passed in Arbitration Petition No.46 of 2017, on record. As per this order, with the consent of the parties, all disputes arising between parties have been referred for adjudication to the sole Arbitrator.

2. Counsel for the petitioner has also brought on record the Procedural Order dated 31.8.2018, passed by the sole Arbitrator, which is indicative of the fact that the next date fixed for hearing before the learned Arbitrator is 28.9.2018.

3. Insofar as this petition is concerned, on the very first date, an *ex parte* order dated 2.6.2017 was passed. By virtue of this order, the respondents, its members, employees and attorneys were restrained from instituting any legal proceedings in English Courts against the

petitioner.

4. The respondents have, since then, filed a reply before this Court. Counsel for the respondents says that in terms of order dated 5.4.2018, passed by this Court, an affidavit dated 16.4.2018 has been filed by the petitioner, which shows that a sum of Rs.50 lakhs, that had to be paid by the respondents, has been shown as consultancy fees under the head 'Revenue from Operations' in balance sheet of the petitioner for the Financial Year ending on 31.3.2015.

5. It is further contended by the counsel for the respondents that the said assertion made in the affidavit dated 16.4.2018, is inconsistent with the plea taken in para G of the petition. Learned counsel for the respondents says that in the petition, the stand taken is that the sum of Rs.50 lakhs was spent on travelling and other expenses to enable engagement of celebrities.

6. Notwithstanding the above, counsel for the respondents says that since the learned Arbitrator has entered upon reference, the aforesaid stand of the respondents will be articulated before him. The only concern, however, expressed by the learned counsel for the respondents is that the consideration of the respondents' interim application could get delayed.

7. Mr. Lamba, who, appears for the petitioner, says that he would have no difficulty, if the learned Arbitrator were to take up the captioned petition at the earliest by treating the same as an application filed under Section 17 of the Arbitration and Conciliation Act, 1996.

8. In these circumstances, the captioned petition is disposed of with a request to the learned Arbitrator to take up the captioned application at the earliest and dispose of the same, though, not later than seven weeks from today.

9. Needless to say, the order on the petition will be passed by the learned Arbitrator after giving due opportunity to both parties.

10. Counsel for the parties agree that the pleadings filed in this Court will suffice for rendering a decision on whether or not the interim order dated 2.6.2017 passed by this court should continue to operate or not.

11. It is made clear that the learned Arbitrator will be at liberty to either vacate or confirm or even modify the order dated 2.6.2017.

RAJIV SHAKDHER, J

SEPTEMBER 12, 2018/pmc