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

+ **ARB.P. 825/2017**

PRAVEEN KAPUR

..... Petitioner

Through: Ms.Kaadambasi Puri & Mr.Lokesh
Malik, Advs.

versus

OMAXE LIMITED

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.08.2018

IA No. 10500/2018

This application has been filed by the petitioner/Applicant making the following prayer:-

“a) clarify the orders dated 09.05.2018 and deciding the arbitrability of the claims and ten to refer only those claims which are in fact arbitrable

b) In case this Hon'ble court finds some of the claims as non-arbitrable, to grant liberty to the petitioner to withdraw the claims which this Hon'ble Court finds outside the domain of arbitration, and to grant further liberty to undertake any other alternative legal recourse in respect of the same.”

This Court in an application filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, while appointing the Arbitrator vide order dated 09.05.2018, had *inter alia* observed as under:-

“Learned counsel for the respondent submits that the claims raised by the petitioner are not only barred by the Law of Limitation but also are not maintainable as the addendum dated 23.08.2007 sought to be relied upon by the petitioner has already been terminated by the

respondent vide its letter dated 17.02.2010. However, learned counsel for the respondent submits that the respondent has no objection if an Arbitrator is appointed to adjudicate the disputes that have arisen between the parties, subject to the condition that all the pleas of the respondent shall remain open to be taken before the Arbitrator.”

In view of the above observations, it is for the petitioner to decide what claims it wants to agitate before the Arbitrator so appointed by this Court and whether the same would be maintainable before the Arbitrator. Petitioner cannot claim an advance ruling on its claim at this stage from this Court.

In view of the above, I find no merit in the present application and the same is dismissed with no order as to cost.

NAVIN CHAWLA, J

AUGUST 08, 2018/rv