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

+ ARB.P. 28/2019

AHLCON PARENTERALS (INDIA) LTD. Petitioner
Through Dr. B.K. Dash and Mr. Alok Kumar,
Advs.

versus

SCAN BIOTECH LTD. & ORS. Respondents
Through Mr. Ajay Verma and Ms. Katyaini,
Advs. for R-1.
Counsel for R-2 & 3 (appearance not
given)

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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17.01.2019

I.A. 655/2019

1. Allowed, subject to just exceptions.

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2. Apart from anything else, it is not disputed by the learned counsel for the petitioner that respondents no.2 and 3 are companies incorporated outside India.

3. Learned counsel for the petitioner says that respondents no.1 to 3 are run and managed by the same individuals.

3.1 To be noted, this aspect is denied by the counsel for respondents no.2 and 3.

4. However, in view of the fact that respondents no.2 and 3 are the companies incorporated outside India, this will bring the matter within the

purview of an ‘international commercial arbitration’ as defined in Section 2(1)(f) of the Arbitration and Conciliation Act, 1996.

4.1 Consequently, the petition would not lie in this Court.

4.2 The same is, accordingly, dismissed.

4.3 The petitioner will, however, have the liberty to move the appropriate forum for appointment of an Arbitrator.

5. At this stage, the learned counsel for the petitioner and respondent no.1 say that they would like to take the assistance of the Delhi High Court Mediation and Conciliation Centre (in short ‘Centre’) for attending a settlement qua their *inter se* disputes.

6. In my view, there is no impediment in the parties taking assistance of the Centre before embarking on litigation.

7. Accordingly, if parties approach the Centre, it would take the necessary steps in that behalf to facilitate mediation between them.

RAJIV SHAKDHER, J

JANUARY 17, 2019
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