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

+ O.M.P. (MISC.)(COMM) 290/2019

AIRONE CHARTERS PVT. LTD.

..... Petitioner

Through: Mr. Mohit Jolly & Ms. Smriti Varma,
Advocates

versus

JETSET GO AVIATION SERVICES PVT. LTD.

..... Respondent

Through: Mr. Gaurav Gupta & Mr. Savyasachi
Sahai, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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17.06.2020

I.A. 4320/2020

Hearing has been conducted through Video Conferencing.

This application has been filed on behalf of the Petitioner seeking the following reliefs:

“A. Clarify its order dated 29.09.2019 that the Applicant’s remedy under law is to seek initiation of a fresh arbitration qua its claims arising out of the three Aircraft Charter Agreements dated 11.08.2017, being valid and alive; and

B. Refer that the claims of the Applicant herein, as a fresh arbitration, before the Arbitral Tribunal comprising of Hon’ble Justice Mukul Mudgal (Retd.), Presiding Arbitrator, Hon’ble Justice R. S. Sodhi (Retd.) and

Hon'ble Justice S. S. Saron (Retd.) as the Arbitrators, in the interest of justice; or

C. In the alternative, grant liberty to the Applicant to file a fresh petition under Section 11 of the Arbitration and Conciliation seeking appointment of the arbitral tribunal in furtherance of the notice of arbitration dated 06.05.2020, to adjudicate upon the claims of the Applicant under the three Aircraft Charter Agreements dated 11.08.2017;

D. Pass any other orders this Hon'ble Court may deem fit in the facts and circumstances of the present case."

The application was listed before a Coordinate Bench of this Court presided over by Hon'ble Mr. Justice V.K. Rao. The application has been transferred to this Court being an application seeking clarification of an order passed by this Court on 26.09.2019. Additionally, the Applicant/Petitioner also brings to the notice of the Court an order dated 27.05.2020 passed by another Coordinate Bench in a petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act'), which was filed by the Petitioner pursuant to the liberty granted by this Court.

Learned counsel for the Petitioner points out that when the petition was listed for hearing, learned counsel for the Respondent took an objection that no liberty was granted by the Court, and therefore, the filing of the petition under Section 11 of the Act was misconceived. The said petition has been disposed of by the Bench granting liberty to the petitioner to seek clarification of the order passed by this Court. Petitioner thus seeks clarification of the Order dated 26.09.2019 passed by this Court.

Issue notice.

Mr. Gupta, Advocate enters appearance and accepts notice on behalf of the respondent and seeks a period of two weeks from today to file reply. Rejoinder thereto, if any, be filed within a week thereafter.

List for hearing on 15th July, 2020.

JYOTI SINGH, J

JUNE 17, 2020
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