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

+ O.M.P.(I) (COMM.) 338/2018

DAMONT DEVELOPERS PVT. LTD.

..... Petitioner

Through: Mr. Anil K. Kher, Senior Advocate
with Ms. Vasundhara Nayyar,
Advocate.

versus

BRY'S HOTELS PVT. LTD & ORS.

..... Respondents

Through: Mr. Rahul Malhotra, Advocate for
respondent no. 1.
Ms. Deepika Raghav, Advocate for
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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15.03.2019

1. Learned counsel for the parties inform me that vide an order dated 07.03.2019 passed by the Coordinate Bench in Arb. Petition 837/2018, Hon'ble Mr. Justice A.K. Sikri, former Judge, Supreme Court of India has been appointed as an Arbitrator.

2. I may only indicate that respondent no. 2, even according to Mr. Kher, learned counsel for the petitioner, is only a proforma party. Mr. Kher says that no relief is claimed against respondent no. 2.

3. In these circumstances, the captioned petition is disposed of with the following directions:-

3.1 The captioned petition will be placed before the learned Arbitrator, who will treat the same as an application under Section 17 of the Arbitration and Conciliation Act, 1996.

3.2 Interim order dated 27.08.2018 will continue to operate till such time the learned Arbitrator adjudicates upon the application/petition.

3.3 The learned Arbitrator will have the liberty to either confirm, vacate or even modify the order dated 27.08.2018.

3.4 Since respondent no. 1 has not filed a reply, it will be given an opportunity to file a reply by the learned Arbitrator.

3.5 Likewise, if learned Arbitrator deems it fit, the petitioner can also be given liberty to file a rejoinder.

4. Needless to say, the observations made in the order dated 27.08.2018 were only *prima facie* observations and that if a reply is filed by respondent no. 1 before the learned Arbitrator, a clearer picture would emerge; an aspect which the learned Arbitrator would, to my mind, examine at the appropriate stage.

RAJIV SHAKDHER, J.

MARCH 15, 2019

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