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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(MISC.)(COMM.) 351/2018

SITI NETWORKS LTD.

..... Petitioner

Through Ms. Ritwika Nanda and Ms. Devika
Chopra, Advs.

versus

CABLE MAX & ORS.

..... Respondents

Through Mr. Kapil Arora, Mr. Juvraj Singh
Bindra and Ms. Palak Nagar, Advs
for R-2.
Mr. S.K. Nanda and Ms. Medha
Mukherjee, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.01.2019

1 Notice in this petition was issued on 20.11.2018. On that date i.e. 20.11.2018, it was indicated by the counsel for the petitioner that the respondents were not agreeing to the extension of time and, therefore, the captioned petition had to be filed.

2 While respondent No.2 has filed a reply to the captioned petition, respondents No. 3 and 4, though served, have not filed their reply. It is not disputed that respondent No.1 is a partnership firm, which at one time, was run and managed by respondents No. 2 to 4 in their capacity as partners in the said firm.

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3 On 20.11.2018, I was informed that respondent No.1 firm has been proceeded ex-parte before the learned Arbitrator. Learned counsel for respondents No. 2 and 3 say that respondent No.1 firm stood dissolved with the incorporation of joint venture company i.e. SITI Karnal Digital Media Ltd.

3.1 Learned counsel for the petitioner, however, refutes this stand taken by counsel for respondents No. 2 & 3.

4 Insofar as these proceedings are concerned, I am not required to decide this issue i.e. whether or not respondent No. 1 firm stood dissolved.

4.1 The record, however, shows that the learned Arbitrator entered upon reference on 25.09.2017 and, for one reason or the other, the filing of the Statement of Claim ('SOC') was delayed. The petitioner filed the SOC only on 03.05.2018.

5 I am also informed that respondents No. 2 & 3 have filed their Statement of Defence ('SOD'). Learned counsel for respondent No.3 says that respondent No.3's SOD is accompanied by a counter claim as well.

6 This apart, there are applications filed by the petitioner as well as the respondents. Respondents No. 2 & 3, I am told, have filed applications under Section 16 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator.

7 Thus, apart from the rejoinder of the petitioner, the pleadings stand completed.

8 Given these circumstances, the petition is disposed of with the following directions to which counsel for parties are agreed.

(i) The time for concluding the arbitration proceedings is extended by a period of 12 months, commencing from 25.09.2018.

(ii) The petitioner will file its rejoinder before the learned Arbitrator within a period of two weeks from today.

(iii) The parties will place their draft issues before the learned Arbitrator within three weeks from today.

(iv) Parties will also file their affidavits concerning admission and denial of documents within a period of six weeks from today.

(v) Thereafter, the learned Arbitrator will fix timelines for filing the affidavits of evidence (as learned counsel for the parties say that they would like to examine witnesses) and oral submissions.

RAJIV SHAKDHER, J

JANUARY 18, 2019

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