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

+ O.M.P.(I) (COMM.) 3/2020

SKIPPER LTD

..... Petitioner

Through: Mr. Rajshekhar Rao and Mr. Saurav
Gupta, Advs.

Versus

FLOWMORE LTD

..... Respondent

Through: Mr. Kailash Vasudev, Sr. Advocate
with Mr. Abhinav, Mrs. Bihu Sharma and Ms.
Pratishtha Vij, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.01.2020

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:-

- (a) *Pass an ad interim ex parte order allowing present Petition and restraining the Respondent from appointing third party suppliers to undertake and/ or complete works under the said purchase order during pendency of the Arbitration proceeding between the parties; and/ or*
- (b) *Pass an ad interim order restraining the Respondent from illegally using and/ or withholding the customized documents and drawings created and submitted by the petitioner and/ or tender the same to third party suppliers for works under the said purchase order during pendency of the Arbitration proceeding between the parties; and I or*
- (c) *Pass an order allowing present Petition confirming interim prayer as sought in prayers (a) & (b) after hearing parties, during pendency of the Arbitration proceeding between the parties; and/ or*
- (d) *Pass an order directing the Respondent to lift the goods already manufactured according to said purchase order from the store of the petitioner after paying due consideration for the same.*
- (e) *Pass such other or further order/s as this Hon 'ble Court*

may deem fit and proper in facts and circumstances of the case.

2. On the last date when the petition was taken up for preliminary hearing, this Court had put it to the learned counsel for the parties to ascertain whether they could agree on the appointment of an Arbitrator, to determine the dispute arising between them out of the purchase order dated 02.03.2019, who could then consider the application for interim reliefs in accordance with law.
3. Learned senior counsel for the respondent submits that the respondent is agreeable to have the matter referred to arbitration and has suggested the name of Mr. Sudhanshu Batra, senior Advocate for appointment as the Sole Arbitrator. The learned counsel for the petitioner has no objection to this proposal.
4. Accordingly, with the consent of the parties, the present petition is disposed of by appointing Mr. Sudhanshu Batra, Senior Advocate as the Sole Arbitrator to adjudicate the disputes between the parties arising out of the purchase order dated 02.03.2019. The parties, through their respective Authorised Representatives, shall appear before the Sole Arbitrator on 14.02.2020, who will then proceed in accordance with law, after granting time to the parties to file their claims/counter claims.
5. A copy of this order be sent to Mr. Sudhanshu Batra, Senior Advocate.
6. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J.

JANUARY 27, 2020/ 'sdp'