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

+ O.M.P.(I) (COMM.) 56/2020, IA 2824/2020

A & T BANON PVT. LTD.

..... Petitioner

Through: Mr.Jasmeet Singh with Mr.Saurabh  
Tiwari, Advs.

versus

CLARIDGES HOTEL PRIVATE LIMITED

..... Respondent

Through: Mr.Munessh Malhotra with Ms.  
Manpreet Kaur, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**02.03.2020**

1. This petition has been filed by the petitioner with the following prayer:-

*“Restrain the Respondent from taking any coercive measures to evict the Petitioner, including but not limited to, forcible eviction or disconnection or discontinuation of any basic or essential amenities/ utilities or obstruction of any easementary right to the shop or any act or omission which may adversely affect the business of the Petitioner from the said shop, ad measuring 200.00 sq. ft. with a space in the lobby lobby shopping arcade of the Respondents Hotel, till the disputes as have arisen between parties are adjudicated upon through the process of arbitration in terms of the Licence Deed dated 01.4.20 19; and*

*b) Restrain the Respondent from Locking out or restricting entry of the Licensor into the premises or any such or similar illegal and coercive action; and*

*c) Pass ex-parte order in terms of prayer (a) and (b) above; and*

*d) Such other order(s) as this Hon'ble Court may deem fit and proper in equity and in the facts and circumstance of the case”.*

2. After some hearing, the learned counsel for the parties submit that the parties be relegated to the process of arbitration in terms of the agreement executed between them.

3. They also state that this petition be treated as an application under Section 17 of the Arbitration & Conciliation Act, 1996 to be decided by the learned Arbitrator.
4. Noting the said submissions, this Court appoints Mr.S.M. Chopra, Additional District Judge, (Retired) as the Arbitrator before whom, the parties shall appear on 12<sup>th</sup> March, 2020 by taking a prior appointment on his Mobile No. (9213230349).
5. This petition shall be treated as an application under Section 17 of the Arbitration & Conciliation Act, 1996. In the meantime, liberty is given to the respondent to file reply to the application and the learned Arbitrator shall decide the application within two weeks effective from 12.03.2020.
6. The submission made by Mr.Malhotra, the learned counsel for the respondent till such time, the application is decided by the learned Arbitrator, no coercive action shall be taken against the petitioner is taken on record. The petitioner shall continue to pay the last paid rent / license fee to the respondent, till the decision on the application, which shall be subject to further orders to be passed by the learned Arbitrator.
7. The appointment of the learned Arbitrator shall be regulated by the provisions of the Delhi International Arbitration Centre (in short 'DIAC') rules.
8. Copy of the order be given *Dasti*, as prayed.

**V. KAMESWAR RAO, J.**

**MARCH 02, 2020**/*neelam*