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

+ **CS(COMM)No.142/2020 & I.A.Nos.4039-42/2020**

MAHESH EDIBLE OIL INDUSTRIES LIMITEDPlaintiff

Through : Mr. Amit Sibal, Sr. Adv. with
Mr. Rohit Sharma and Mr. Atul
Agarwal, Advs.

versus

SALON EDIBLE OIL PVT. LTD. & OTHERS.Defendants

Through : Mr. Joy Saha and Ms. Mithu Jain,
Advs. For D-1 & 4.
Mr. Soumendra Nath Mookherjee,
Senior Adv. For D-2 instructed by ...
[Appearance not given].
Mr. Dharendra Nath Sharma, Adv. For
D-3 & 5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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28.05.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A.No.4041/2020

1. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned application within five days of the lockdown being lifted.

I.A. No. 4042/2020

2. Allowed, subject to just exceptions.

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3. Issue summons in the suit and notice in the captioned applications.

3.1 Mr. Joy Saha accepts notice on behalf of defendant Nos.1 and 4 while Mr. Soumendra Nath Mookherjee accepts notice, on instructions, on behalf of defendant No.2.

3.2 Likewise, Mr.Dhirendra Nath Sharma accepts notice on behalf of defendant Nos.3 and 5.

4. Mr. Amit Sibal, learned senior counsel, who appears on behalf of the plaintiff, and learned counsel for the defendants, having argued the matter for quite some time, have, at this stage, seen the practicability of having the disputes, which are the subject matter of present suit action and those which have emanated from the documents filed by the parties [hereafter collectively referred to as “disputes”], being adjudicated upon by a sole arbitrator appointed by this Court.

5. Learned counsel for the defendants affirm that they have taken instructions from their respective clients and are, thus, willing to have the aforementioned disputes adjudicated upon by a sole arbitrator appointed by this Court.

5.1 Mr. Sibal submits likewise.

6. Accordingly, the suit and the captioned applications are disposed of based on the following agreed directions:

(i) The disputes arising between the parties will be adjudicated upon by a sole arbitrator i.e. Hon’ble Mr. Justice Madan B. Lokur, Former Judge, Supreme Court of India [Mobile Number: +91-9868219007].

(ii) The arbitrator will be paid his fee in terms of Schedule IV of the Arbitration and Conciliation Act, 1996 [hereafter referred to as “1996 Act”]. The learned arbitrator will file a declaration in terms of Schedule VI of the 1996 Act.

(iii) The parties will be free to approach the appropriate forum for interim relief, if they wish to seek the same, *qua* the disputes obtaining amongst them.

(iv) It is made clear that the fact that an arbitrator has been appointed by this court will not automatically, in law, confer jurisdiction upon this court *qua* further proceedings, including, at a stage after the award is rendered by the learned arbitrator.

(v) This aspect will be determined by the concerned court, at the appropriate time, after hearing all concerned.

(vi) Needless to add, since the parties have agreed for reference of their disputes to the arbitrator appointed by this Court, none of the parties will raise any objection with regard to the arbitrability of disputes before the learned arbitrator.

7. The Registry will draw a decree in the aforementioned terms.

RAJIV SHAKDHER, J

MAY28, 2020
Aj/KK

Click here to check corrigendum, if any