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

+ O.M.P.(I) (COMM.) 305/2019, I.A. 14932/2019

MINTELLECTUALS LLP Petitioner

Through Mr. Samrat Nigam, Advocate.

versus

LAVA INTERNATIONAL LIMITED Respondent

Through Mr. Arun Kumar Varma, Sr.
Advocate with Mr. Abhay Raj Varma
and Mr. Vishal Nautiyal, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **09.01.2020**

I.A. 15254/2019

This is an application seeking condonation of delay of 13 days in filing the reply to the petition.

For the reasons stated in the application, delay of 13 days in filing the reply to the petition is condoned.

Reply is taken on record.

O.M.P.(I) (COMM.) 305/2019 and I.A. 14932/2019

At the outset, learned counsel for the petitioner points out that the Arbitral Tribunal has now been constituted and the first date for procedural hearing is fixed as 14.01.2020.

Since the Tribunal has been constituted, the present petition need not remain pending.

Learned counsel for the petitioner submits that he would now approach the learned Arbitral Tribunal for the interim relief as prayed in the

present petition. He submits that since in the present petition the pleadings are complete, the present petition be treated as pleadings under Section 17 of the Act before the Arbitral Tribunal.

In my opinion, the submission made by the petitioner has merit. Let the pleadings in the present petition, which the learned counsel for the petitioner undertakes to file, be treated as pleadings before the Arbitral Tribunal.

Needless to state that the Tribunal after considering the application for interim relief, is at liberty to continue, modify or vary the order passed by this Court.

On 26.09.2019, with the consent of the parties, this Court had passed the following directions:-

(i) the respondent will deposit a cheque in the sum of Rs. 11,31,09,035.38 with the Registrar General of this Court within a period of three working days from today.

(ii) the respondent will file an affidavit of undertaking as per the stand taken before this Court today within three working days from today;

A cheque in the sum of Rs. 11,31,09,035.38/- has been deposited by the respondent in this Court. Learned counsel for the petitioner points out that the validity of the said cheque has expired and, therefore, the same be renewed by the respondent.

Learned senior counsel appearing for the respondent fairly submits that the cheque deposited in this Court will be renewed forthwith and also assures the Court that in future also, the cheque will be renewed from time to time, during the pendency of the Arbitral Proceedings, subject, however, to

further orders passed by the Arbitral Tribunal in this regard.

Since the present petition is being disposed of, let the renewed cheque be now deposited with the Arbitral Tribunal.

Learned senior counsel for the respondent points out that the respondent has taken an objection to the constitution and jurisdiction of the Arbitral Tribunal. It is clarified that the relegation of the parties to the Arbitral Tribunal is without prejudice to the rights and contentions of the respondent to raise objection with regard to the constitution and jurisdiction of the Arbitral Tribunal, before the Arbitral Tribunal.

Petition is disposed of in the aforesaid terms along with the pending application.

Dasti.

JYOTI SINGH, J

JANUARY 09, 2020

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