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

+ O.M.P.(I) (COMM.) 75/2021 & I.A. 2859/2021, I.A. 2860/2021

STRIKER BEVERAGES PVT LTD Petitioner

Through: Mr. Sudhanshu Batra, Sr. Adv.,
Mr. Puneet Mittal, Sr. Adv. with Mr. Arvind
Kumar Gupta, Mr. Rishi Bharadwaj and Mr.
Abhieshumat Gupta, Advs.

versus

**INDIA TOURISM DEVELOPMENT
CORPORATION & ANR.** Respondents

Through: Mr. Rahul Malhotra and Mr.
Anish Chawla, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

25.02.2021

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(Video-Conferencing)

1. Mr. Sudhanshu Batra, learned Senior Counsel for the petitioner, submits that his client would be satisfied if an arbitrator, to arbitrate on the disputes between the parties, is appointed by this Court and this petition is permitted to be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”), to be decided by the learned arbitrator in accordance with law.

2. Mr. Malhotra, learned counsel for the respondents, has no objection to the dispute being referred to arbitration, with the clear caveat that all issues be kept open for arguments before the learned arbitrator.

3. In view thereof, this petition is disposed of by appointing Hon'ble Mr. Justice K. Ramamoorthy, a learned retired Judge of this Court (Mob: 9810529889), as the arbitrator to arbitrate on the dispute between the parties.

4. The present petition is permitted to be treated as an application under Section 17 of the 1996 Act to be decided by the learned arbitrator in accordance with law after granting adequate opportunity to both parties.

5. The parties would get in touch with the learned arbitrator within two days of being communicated a copy of this order by e-mail by the Registry of this court/receipt of a certified copy of this order, whichever is earlier.

6. The learned arbitrator would be entitled to charge fees as per Fourth Schedule to the 1996 Act. The learned arbitrator would furnish the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on the reference.

7. This petition stands disposed of in the aforesaid terms, without any orders as to costs, keeping all issues left open for decision by the learned arbitrator.

C. HARI SHANKAR, J.

FEBRUARY 25, 2021/dsn