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

% Judgment delivered on: 19th July, 2021

+ **FAO 144/2021**

JVL ELECTRONICS, THANJAVUR Appellant

versus

SAMSUNG INDIA ELECTRONICS PVT. LTD Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. B. Karunakaran, Advocate

For the Respondents : Mr. Sandeep Grover, Adv., Mr. Aditya
Nayyar, Adv. and Mr. Tarang Agarwal,
Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 21047/2021 (Exemption)

Allowed, subject to all just exceptions.

FAO 144/2021 & CM APPLN. 21045-46/2021

1. The hearing was conducted through video conferencing.
2. Appellant impugns judgment dated 12.02.2021 whereby the application of the appellant under Section 9 of the Arbitration & Conciliation Act, 1996 has been dismissed.

3. Appellant had sought stay of the termination letter dated 24.12.2020 and had sought permission to continue as the dealer of the respondent.

4. Learned counsel for the Appellant submits that during the pendency of these proceedings, subsequent events have occurred whereby the respondent have taken back certain stocks and offered to pay a sum of Rs. 7,40,705.84 by their e-mail dated 17.05.2021 to the appellant in full and final settlement of all his claims. He submits that an application has been filed by the appellant seeking amendment of the prayer clause.

5. Learned counsel for the appellant submits that since the said amount has been admitted by the respondent, respondent be directed to pay the same. He, however, submits that there are other claims of the appellant which would still survive as the said payment would not be as full and final settlement of all claims of the appellant.

6. Learned counsel for the respondent submits that on further reconciliation of the accounts, a sum of Rs. 7,48,262.27 is being offered to the appellant. He submits that said payment is being offered without prejudice to the rights and contentions of the parties and with a view to resolve the disputes. He further submits that in case appellant has any further claim, appellant may agitate the same before the appropriate forum.

7. Learned counsel for the appellant submits that appellant would accept the said amount without prejudice to the rights and contentions and reserving the rights of the appellant to claim his further amount before the appropriate forum.

8. Further, learned counsel for the parties pray that parties may be given liberty of resolving their disputes through mediation and pray that parties be referred to mediation.

9. In view of the above statement, appeal is disposed of with a direction to respondent to pay a sum of Rs. 7,48,262.27 within a period of four weeks from today. It is clarified that this payment would be without prejudice to the rights and contentions of the parties and all rights of the appellant to claim further amount in accordance with law would be reserved and this would be also subject to the rights of the respondent to defend such claims, if any, raised.

10. Further in view of the request of the parties, parties are referred to the Delhi High Court Mediation & Conciliation Centre. Parties shall appear before the mediator through video conferencing on 26.07.2021.

11. It is clarified that in case mediation is not successful, parties may avail of their remedies before appropriate forums.

12. The appeal is disposed of in the above terms.

13. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JULY 19, 2021

‘rs’