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

+ O.M.P.(I) (COMM.) 206/2021 & I.A. 7730/2021

TATA CONSULTANCY SERVICES LIMITED..... Petitioner

Through: Mr. Suhail Dutt, Sr. Adv. with
Mr. Anish Kapoor & Ms. Divya
Bhalla, Advs.

versus

KINGS CANYON SEZ PVT LTD Respondent

Through: Mr. Vikas Dhawan, Sr. Adv.
with Mr. Rajiv Kumar Virmani,
Mr. Satyabrata Panda, Mr. Anuj
Malhotra & Ms. Harneet Kaur,
Advs.

+ O.M.P.(I) (COMM.) 199/2021 & I.A. 7614/2021

KINGS CANYON SEZ PRIVATE LIMITED Petitioner

Through: Mr. Vikas Dhawan, Sr. Adv.
with Mr. Rajiv Kumar Virmani,
Mr. Satyabrata Panda, Mr. Anuj
Malhotra & Ms. Harneet Kaur,
Advs.

versus

TATA CONSULTANCY SERVICES LIMITED

..... Respondent

Through: Mr. Suhail Dutt, Sr. Adv. with
Mr. Anish Kapoor & Ms. Divya
Bhalla, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

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09.07.2021

(Video-Conferencing)

O.M.P.(I) (COMM.) 206/2021 & O.M.P.(I) (COMM.) 199/2021

1. Interlinked issues are involved in these two petitions under Section 9 of the Arbitration and Conciliation Act, 1996. After some hearing, learned Senior Counsel for the parties submit that, given the

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intricate nature of the issues, and given the fact that M/s Tata Consultancy Services Limited has suggested names of three learned arbitrators, out of whom M/s Kings Canyon SEZ Pvt. Ltd., is agreeable to arbitration of the disputes by Hon'ble Mr. Justice Baddar Durrez Ahmed, former Chief Justice of the High Court of Jammu and Kashmir, who has also adorned the Bench of this Court, both these petitions could be disposed of by referring the disputes to the said learned arbitrator, to be treated as applications under Section 17 of the 1996 Act.

2. The suggestion is wholesome and merits acceptance.

3. In view thereof, without expressing any opinion, one way or the other, on the issues involved in these petitions, this Court disposes of both these petitions, by appointing Hon'ble Mr. Justice Baddar Durrez Ahmad as the arbitrator, to arbitrate on the disputes between the parties. The learned Arbitrator is requested to submit his disclosure under Section 12(2) of the 1996 Act, within a week of entering on reference. The learned Arbitrator is also requested to decide these petitions under Section 9 of the 1996 Act, treating them as applications under Section 17, for which purpose learned Counsel for the parties are at liberty to present these petitions before the learned Arbitrator, for hearing and disposal thereof.

4. Since the controversy involves fire safety in the premises in question, the learned Arbitrator is requested to hear and dispose of these petitions, as expeditiously as possible.

5. In view of the aforesaid, both these petitions stand disposed of. All applications filed in these petitions also stand disposed of accordingly.

6. The Registry is directed to upload and e-mail a copy of this order to learned Counsel for the parties within 24 hours.

C.HARI SHANKAR, J

JULY 9, 2021

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