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

+ **O.M.P.(I) (COMM.) 134/2024**

**ADEGE INDIA WATER TECHNOLOGIES
PRIVATE LIMITED**

..... Petitioner

Through: Mr. Arvind Nayar, Sr. Advocate
with Mr. Ajay Bhargava, Ms.
Wamika Trehan, Mr. Varun
Chopra and Mr. Siddhant Kumar,
Advocates.

versus

JAKSON LIMITED

..... Respondent

Through: Mr. Manik Dogra and Mr Dhruv
Pande, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

08.05.2024

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1. The petitioner has filed this petition under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], for interim measures of protection in anticipation of arbitral proceedings under two work orders dated 30.09.2023 and 27.10.2023, issued by respondent No.1 to it. Both work orders contain arbitration clauses which provide for arbitration by a nominee of the respondent. Delhi has been designated as the venue of arbitration and exclusive jurisdiction has also been vested in the Courts in Delhi.

2. As noted in the order dated 02.05.2024, the first prayer in the petition, for a stay of invocation of certain bank guarantees, has been



rendered infructuous as the bank guarantees have already been encashed.

3. With regard to the remaining prayers, it is agreed by Mr. Arvind Nayar, learned Senior Counsel for the petitioner, and Mr. Manik Dogra, learned counsel for respondent No.1, that the matter may be referred to arbitration in these proceedings and the petition may be treated as an application under Section 17 of the Act before the arbitrator.

4. Having regard to the aforesaid submission, the petition is disposed of, with the consent of learned counsel for the parties, with the following directions:

- a. The disputes between the petitioner and respondent No. 1, under the work orders dated 30.09.2023 and 27.10.2023, are referred to arbitration of Hon'ble Mr. Justice Vipin Sanghi, former Chief Justice, High Court of Uttarakhand [Tel: 9871300037].
- b. The remuneration of the learned Arbitrator will be computed in accordance with the Fourth Schedule of the Act.
- c. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- d. The present petition will be treated as an application under Section 17 of the Act, before the learned Arbitrator. The respondent may file its reply thereto, within one week from today, or immediately after the learned Arbitrator enters into the reference, whichever is later.
- e. The parties may request the learned Arbitrator for an expeditious hearing of the application under Section 17 of the Act, at least for the purposes of *ad interim* orders.

5. It is made clear that this Court has not entered into the merits of the



controversy, even on a *prima facie* basis. All rights and contentions of the parties are left open for adjudication by the learned Arbitrator, and no *ad interim* orders have been passed by this Court.

PRATEEK JALAN, J

MAY 8, 2024
SS/