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

+ **O.M.P.(I) (COMM.) 163/2024 & I.A. 29916/2024**

VIRENDER KUMAR JAIN

..... Petitioner

Through: Mr. Lovkesh Sawhney, Sr.
Advocate with Mr. Puneet Kumar
Jain, Ms. Ridhi Jain and Mr. Rohit
Kumar, Advocates.

versus

JAGTAR SINGH WALIA & ORS.

..... Respondents

Through: Mr. Ankit Siwach, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

21.05.2024

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1. The petitioner seeks interim measures of protection in anticipation of arbitration proceedings between the parties under a Memorandum of Settlement dated 27.10.2023. The parties to the Memorandum of Settlement are the petitioner herein and the respondent Nos.1 and 2.
2. Mr. Ankit Siwach, learned counsel, enters appearance on behalf of the respondents on advance notice.
3. In the course of hearing, learned counsel for the parties agree that the disputes between the parties, under the Memorandum of Settlement dated 27.10.2023, additional Memorandums of Settlement, alleged to have been executed by the parties, and a Deed of Retirement-cum-Partnership dated 27.10.2023, by which the petitioner has retired as a partner in a partnership firm by the name of M/s Shubham Sales, may be

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referred to arbitration in these proceedings itself. All the partners of the firm, who were parties to the Deed of Retirement-cum-Partnership, have also been impleaded as respondents.

4. With the consent of learned counsel for the parties, the petition is disposed of with the following directions:-

- a. The disputes between the parties to this petition, under the Memorandum of Settlement dated 27.10.2023 read with addendums thereto, as well as to the Deed of Retirement-cum-Partnership dated 27.10.2023 are referred to arbitration of Hon'ble Mr. Justice V.K. Jain, former Judge of this Court [Tel: 9650116555].
- b. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 ["DIAC"], and will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.
- 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 Arbitration and Conciliation Act, 1996 ["the Act"], before the learned Arbitrator. The respondents are directed to file their replies within two weeks from today or immediately upon the learned Arbitrator entering into the reference, whichever is later.
- e. The parties may request the learned Arbitrator to consider the application under Section 17 of the Act at his earliest convenience, at least for the purpose of *ad-interim* relief.

5. All rights and contentions of the parties are left open for



adjudication by the learned Arbitrator.

6. The pending application also stands disposed of.

PRATEEK JALAN, J

MAY 21, 2024

SS/