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

+ O.M.P.(I) (COMM.) 189/2024 & I.A. 31511-12/2024

AL MOTAHIDA EDUCATION GROUP FZ-LLC Petitioner

Through: Mr. Rakesh Malhotra, Ms. Ayushi
Srivastava, Mr. Bharat Malhotra
and Mr. S. Suri, Advocates.

versus

VEATIVE LABS PRIVATE LIMITED & ORS. Respondents

Through: Mr. Jayant Mehta, Sr. Advocate
with Mr. Manoranjan Sharma,
Mr. Rajat Juneja and Mr. Yash
Verma, Advocates for R-1&2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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31.05.2024

1. The petitioner, a company incorporated in the United Arab Emirates, has instituted this petition under Section 9 of the Arbitration and Conciliation Act, 1996 for interim measures of protection in anticipation of arbitration proceedings under a Share Purchase Agreement dated 03.05.2023, to which the petitioner and the respondents were all parties. Clause 10 of the aforesaid Agreement provides for resolution of disputes by arbitration.

2. Respondent Nos.1 and 2 are represented on advance notice. Mr. Rakesh Malhotra, learned counsel for the petitioner, and Mr. Jayant Mehta, learned Senior Counsel for respondent Nos.1 and 2, are *ad idem* that the disputes asserted by the petitioner are against respondent Nos.1 and 2, and respondent No.3 is not required in the arbitral proceedings.



3. Learned counsel state that the petitioner and respondent Nos.1 and 2 have also agreed that the disputes between the parties will be referred to the arbitration of Hon'ble Ms. Justice Mukta Gupta, former Judge of this Court [Tel: 96507-88600]. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Sher Shah Road, New Delhi - 110503.

4. In view of the fact that the parties have agreed upon the constitution of the Arbitral Tribunal, Mr. Malhotra does not press the relief sought in this petition under Section 9 of the Act, without prejudice to the right of the petitioner to seek interim measures of protection before the Arbitral Tribunal.

5. Mr. Mehta wishes to place on record that the respondents have an objection as to the maintainability of the arbitral proceedings, which they will raise before the learned Arbitral Tribunal.

6. The petition is disposed of in view of the aforesaid statements made by learned counsel.

PRATEEK JALAN, J

MAY 31, 2024

Mk/