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

+ **O.M.P.(I) (COMM.) 190/2024**

INFIBEAM AVENUES LIMITED

..... Petitioner

Through: Mr. J. Sai Deepak, Mr. Rohit Jain,
Mr. Kunal Sharma, Mr. Aslam
Ahmed, Mr. Avinash Kumar
Sharma, Ms. Neha Khandur, Mr.
Abhishek Dwivedi, Mr. Tanmay
Bantha, Advocates with Mr.
Sushant Bhatt, AR/Vice President.

versus

GOVERNMENT E-MARKETPLACE & ANR. Respondents

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Rajat Jariwal, Mr.
Abhishek Iyer, Ms. Perna Singh &
Ms. Shatakshi Tripathi, Advocates
for R-1.
Mr. Kamaljeet Singh, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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31.05.2024

I.A. 31557/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. The petitioner has approached this Court under Section 9 of the



Arbitration and Conciliation Act, 1996 [“the Act”] for interim measures of protection in anticipation of arbitral proceedings arising out of a Master Service Agreement [“MSA”] dated 01.09.2017, signed between the parties herein. Clause 27 of the MSA provides for resolution of disputes by arbitration of a three-member Arbitral Tribunal.

2. In the course of hearing, learned counsel for the parties submit that the parties may be referred to arbitration in terms of Clause 27 of the MSA, and the present petition be treated as an application under Section 17 of the Act before the learned Arbitral Tribunal.

3. Mr. J. Sai Deepak, learned counsel for the petitioner, states that the petitioner nominates Hon’ble Ms. Justice Indu Malhotra, former Judge of the Supreme Court, as a member of the Tribunal. Mr. Rajshekhar Rao, learned Senior Counsel for respondent No. 1 and Mr. Kamaljeet Singh, learned counsel for respondent No. 2 state that the respondents nominate Hon’ble Mr. Justice Dipak Misra, former Chief Justice of India as their nominee on the Arbitral Tribunal. The learned Arbitrators are requested to nominate the presiding Arbitrator as expeditiously as possible, as the petitioner seeks urgent injunctive relief.

4. The present petition will be treated as an application under Section 17 of the Act before the learned Arbitral Tribunal. The respondents are directed to file their replies to the petition within two weeks, or immediately upon the Arbitral Tribunal entering into the reference, whichever is later.

5. The parties may request the learned Arbitral Tribunal to take up the application under Section 17 of the Act as expeditiously as possible, at least for the purposes of *ad-interim* orders.



6. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrators. This Court has made no observations, even *prima facie*, with regard thereto.

7. The petition stands disposed of in these terms.

PRATEEK JALAN, J

MAY 31, 2024

'Bhupi' /