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

+ **O.M.P.(I) (COMM.) 239/2024**

AWFIS SPACE SOLUTIONS LTD

.....Petitioner

Through: Mr. Harish Malhotra, Senior
Advocate with Mr. Ajay Talesara,
Mr. Shramvir Vats & Ms. Simmi
Kaur Bagga, Advocates.

versus

RUBY INFOTECH PRIVATE LIMITED

.....Respondent

Through: Mr. Kunal Tandon, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.07.2024**

I.A. 33854/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. This petition under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], has been filed for pre-arbitration measures of protection under Section 9 of the Act.
2. In the course of hearing, Mr. Harish Malhotra, learned Senior Counsel for the petitioner, and Mr. Kunal Tandon, learned counsel for the respondent, request that the disputes between the parties be referred to arbitration in this petition itself and the present petition be treated as an application under Section 17 of the Act before the learned arbitrator.

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

- a. The disputes between the parties under the lease agreement dated 02.09.2023 are referred to arbitration of Hon'ble Dr. Justice S. Muralidhar, former Chief Justice, High Court of Odisha [Tel: 98727-27986].
- b. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503, and be subject to the Rules of DIAC, including as to 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 Act before the learned arbitrator. The respondent will file its reply to the petition within two weeks or immediately upon the learned arbitrator entering upon the reference, whichever is later.
- e. The parties may request the learned arbitrator to take up the matter at his earliest convenience, at least for a decision on ad interim reliefs.
- f. All rights and contentions of the parties are left open for adjudication by the learned arbitrator.

PRATEEK JALAN, J

JULY 22, 2024

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