



\$~O-37

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

+ CS(COMM) 602/2021 and, I.A. 15401/2021 ,I.A. 7852/2022,
I.A. 5880/2023

THE INDURE PVT LTD

.....Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv with Mr.
Prashant Mehta, Mr. Varun Gupta,
Ms. Simran Wason, Mr. Akhil G.
Kurup and Mr. Ronak Gupta, Advs.

versus

LARSEN AND TOUBRO LIMITED & ANR.Defendants

Through: Mr. Dayan Krishnan, Sr. Adv with
Mr. Susmit Pushkar, Mr. Anchit
Oswal, Mr. Raj Mohan Gupta ad Ms.
Naina Agarwal, Advs for D-1.
Mr. Hitesh Sachar, Ms. Anju Jain and
Mr. Lakshay Nagpal, Advs for D-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

08.07.2025

1. The instant matter has been argued for some time by learned counsel for the parties.
2. However, during the course of submissions, Mr. Sandeep Sethi, learned senior counsel appearing on behalf of plaintiff, on instructions, submits that he has no objection if the matter is referred to the Sole Arbitrator, to be appointed by this Court who could deal with the main controversy in view of the arbitration clause, subject to interim order being extended for a reasonable period of time.



3. The aforesaid submission made by Mr. Sethi seems to be reasonable and is not opposed by Mr. Dayan Krishnan, learned senior counsel for the defendants.

4. Accordingly, with consent of the parties, the Court deems it appropriate to dispose of the instant civil suit with the following directions:

- (i) The parties are referred to the Sole Arbitrator, who shall adjudicate the dispute. Hon'ble Mr. Justice Ravi Shankar Jha, former Chief Justice of Punjab and Haryana High Court (Mobile No. 9425153362, Email: jrsjha@gmail.com) is appointed as the Sole Arbitrator.
- (ii) The Application, filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, shall be treated to be an application under Section 17 of the Arbitration and Conciliation Act, 1996 (the Act). The pleadings, *qua* the said application is complete. However, the parties shall be at liberty to file their revised written submissions along with relevant decisions, within a reasonable period of time to be assigned by the learned Sole Arbitrator.
- (iii) The interim order dated 24.11.2021 shall remain in force till the prayer for interim relief is decided in terms of the provisions of Section 17 of the Act.
- (iv) Notwithstanding the fact that the arbitration clause prescribes the venue of the arbitration as Mumbai, the Court leaves it open for the learned Sole Arbitrator to decide the venue of the Arbitration, as agreed upon by the parties.



5. Further, it is directed that the Sole Arbitrator shall be entitled to fee in accordance with the IVth Schedule of the Act; or as may otherwise be agreed to between the parties and the Sole Arbitrator.
6. The parties shall share the Arbitrator's fee and arbitral cost equally.
7. All rights and contentions of the parties in relation to the claims/counterclaims are kept open, to be decided by the Sole Arbitrator on their merits, in accordance with law.
8. Let a copy of the said order be sent to the learned Sole Arbitrator through the electronic mode as well.
9. Accordingly, the instant suit stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 8, 2025

aks/mj

Click here to check corrigendum, if any