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

+ **O.M.P.(I) (COMM.) 4/2024**

INDIAN POTASH LIMITED

.....Petitioner

Through: Mr. Sanjay Rawat, Adv.

versus

**M/S RAYSONS GLOBAL GROUP PTE LTD.
& ORS.**

.....Respondents

Through: Mr. Vijay Kasana, Mr. Vishal
Chowdhary and Mr. Chirag Verma,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.01.2025

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1. Mr. Sanjay Rawat, Advocate, appearing for petitioner, pursuant to order dated 16th August 2024, agrees to the suggestion of counsel for respondents, that the relief sought in this petition is relegated to the Arbitrator and treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 ('A&C Act').

2. The petitioner will be at liberty to raise these issues under Section 17 of the A&C Act, before the Arbitral Tribunal.

3. Order dated 05th January 2024 was passed by this Court in the following terms:

“On a prima-facie appreciation of the matter, and in view of what has been submitted, respondent No. 3 is directed to retain and preserve the original bank guarantee dated 28.08.2023 issued in. the matter alongwith all supporting documents, including all communications exchanged between the parties in relation thereto, during the



pendency of the present proceedings.”

4. The Arbitral Tribunal shall be at liberty to modify/vary the said directions passed by this Court after hearing the parties.
5. By consent of the parties, the matter is referred to the Delhi International Arbitration Centre (DIAC).
6. **Justice Sunil Ambwani** (Retd.), *Former Chief Justice of Rajasthan High Court*, (Mobile No. 8882331880) is appointed as the Sole Arbitrator. The Arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre (**‘DIAC’**). The arbitration proceedings shall be conducted under the Rules of the DIAC. The fee of the Sole Arbitrator shall be as per the Fourth Schedule of the A&C Act, as amended by the DIAC Rules.
7. List before the DIAC on 5th February 2025. Parties to appear before the DIAC. Let a copy of the present order be emailed to Secretary, DIAC on the email *iddelhiarbitrationcentre@gmail.com*.
8. Copy of this order be communicated by the Registry to the counsel for parties through email.
9. Petition is disposed of. Pending applications, if any, are also disposed of as being rendered infructuous.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 20, 2025/MK/na