



\$~45

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

+ **O.M.P.(I) (COMM.) 80/2026**

GKB HI-TECH LENSES PRIVATE LIMITED & ORS.

.....Petitioners

Through: Mr. Rajshekhar Rao, Senior
Advocate with Mr. Manu Nair,
Mr. Ameya Gokhale, Mr.
Renjith Nair, Mr. Neelabh
Shreesh, Mr. Chintan Gandhi,
Mr. Aryan Roy, Ms. Anushka
Bhardwaj, Ms. Aalokaa Verma,
Ms. Vishakha Gupta and Mr.
Harshil Wason, Advocates

versus

ESSILOR INDIA PRIVATE LIMITED & ORS. ...Respondents

Through: Mr. Manmeet Singh, Mr. Akash
Ray, Mr. Ajay Raj, Advocates
along with i/b Cyril
Amarchand Mangaldas,
Advocates for Respondent Nos.
1, 4, 5, 7
Ms. Palak Nagar, Advocate for
Respondent No.3

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

04.05.2026

%

**I.A. 12124/2026 (Seeking modification of the order dt. 20.04.2026
by Petitioner)**

1. The present Application, under Section 151 of the Code of Civil Procedure, 1908, seeks modification of the Order dated 20.04.2026 passed by this Court in O.M.P.(I) (COMM.) 80/2026.
2. The modifications as sought for by the Applicants/Petitioners read as follows:



“i. Inclusion of reference to dispute resolution clause of Intra Group Dues Agreement dated 4th April, 2023 (**“IG Dues Agreement”**) at or after paragraph no. 2 of the Disposal Order;
ii. Rectification of the recording relating to waiver of statutory requirement of notice invoking arbitration under Section 21 of the Act as stated at paragraph no. 5 of the Disposal Order in view of a prior issuance of request for arbitration (**“RFA”**) under Rule 4 of the Delhi International Arbitration Centre (Arbitration Proceedings) Rules, 2023 (**“DIAC Rules”**);
III. Rectification of value of disputes recorded at paragraph no. 5 of the Disposal Order from Rs. 17 crores to approximately Rs. 80 crores.”

3. Issue notice.
4. Mr. Manmeet Singh, Advocate, accepts notice on behalf of Respondent Nos. 1, 4, 5, 7 and Ms. Palak Nagar, Advocate, accepts notice on behalf of Respondent No.3.
5. Learned counsel for the Respondents have no objection if the reliefs sought by the Applicants/Petitioners are granted.
6. In view of the foregoing submission, the reliefs, as sought for by way of the present Application, are allowed. Accordingly, let the aforestated modifications be read as a part of the Order dated 20.04.2026 passed by this Court.
7. Thus, the value of the disputes, as contended on behalf of the Petitioners, be now read as Rs.80 Crores. The disputes arising out of the Intra Group Dues Agreement dated 4th April, 2023 would also now form subject matter of the Arbitration. Further, the waiver of Section 21 Notice as recorded in the Order dated 20.04.2026 be removed since the Notice under Section 21 of the Act was already issued by the Petitioners.
8. In view thereof, the present Application stands disposed of in the aforesaid terms.



I.A. 12414/2026 (Seeking modification of the order dt. 20.04.2026 by R-3)

9. The present Application, filed by Respondent No. 3 in the Petition, being O.M.P.(I) (COMM.) 80/2026 [**“present Petition”**], under Section 151 of the Code of Civil Procedure, 1908, seeks modification Paragraph No. 14 of the Order dated 20.04.2026 passed by this Court in the present Petition.

10. The modifications as sought for by the Applicants/Petitioners read as follows:

The Applicant humbly prays, that paragraph 14 of the Order may accordingly be suitably clarified/ modified to capture that all rights and contentions of the parties (which would include the Applicant's objections/contentions on the issue of jurisdiction and its untenable impleadment), are kept open, to be decided by the Ld. Arbitrator. The Applicant's proposed modification to paragraph 14 of the Order is as follows:

“14. All rights and contentions of the parties ~~in relation to the claims/ counter-claims~~ are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.”

11. Issue notice.

12. Mr. Manu Nair, Advocate, who appears on advance service, accepts notice on behalf of Petitioner/Non-Applicant and Mr. Manmeet Singh, Advocate, accepts notice on behalf of Respondent Nos. 1, 4, 5, 7/ Non-Applicants. Learned counsel for the Non-Applicants have no objection if the reliefs, as sought for, by the Respondent No.3/Applicant are granted.

13. Learned counsel for the Respondent No.3/Applicant submits that there is a possibility that Paragraph 14 of the Order dated 20.04.2026 could be read in a manner such as to limit the scope of the arbitration, and therefore prays for the aforesaid modification.

14. This Court is of the considered view that since there is no



objection to the modification, as sought for, let the words “*in relation to the claims/counter-claims*” be deleted from Paragraph No. 14 of the Order dated 20.04.2026 passed by this Court in the present Petition.

15. At this stage, learned counsel for the parties apprise this Court that **Hon’ble Mr. Justice Rajiv Shakdher (Retd.)**, who was appointed as Sole Arbitrator in the present Petition *vide* Order dated 20.04.2026 has expressed his inability to adjudicate the disputes as between the parties.

16. Accordingly, Hon’ble Mr. Justice (Retd.) Uday Umesh Lalit, Former Chief Justice of India, Hon’ble Supreme Court of India, is requested to enter upon the reference and adjudicate the disputes *inter se* the parties.

17. All other parts of the aforesaid Order dated 20.04.2026, shall remain as it is, except the modifications as directed by way of the present Application, the Application being I.A. 12124/2026.

18. The present Application stands disposed of in aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
MAY 04, 2026/rk/dj