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

\# **CNR No. DLHC010247752026**

\+ O.M.P.(I) (COMM.) 230/2026

MR. KRISHAN SANGHI .....Petitioner

Through: Ms. Mohna M. Lal and Ms. Geetali Hazarika, Advocates.

versus

MR. SANJEEV KUMAR WATRANA & ORS. .....Respondents

Through: Mr. Manish Vashishtha, Mr. Sanjeev Kumar, Mr. Pankaj Kashyap and Ms. Krishna Soni, Advocates.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% 28.10.2026

I.A. 29703/2026 (u/S. 151 of CPC)

1. This is an application filed on behalf of the petitioner under principles analogous Section 151 of the Code of Civil Procedure, 1908 seeking following prayers:

> *"a) Pass an order restraining the Respondents, their agents, employees, associates, affiliates and representatives, group companies from carrying on the business /manufacture /sale /advertisement of Autonomous Mobile Robots, Automatic Guided Vehicles (AGV) (IAMR) and ancillary products relating to AGV except through of Respondent No.3 i.e. Futuristic Bots LLP pending adjudication of disputes;*
>
> *b) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."*

2. At the outset, it is noted that the interim order in the present situation was passed by the learned Predecessor of this Court on 26.05.2026. It is further

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noted that since then, and within the period of 90 days thereafter, no action to initiate arbitration proceedings or for invocation of arbitration was undertaken by the petitioner.

3. Sub-section (2) of Section 9 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as "*Act*") is very clear in its postulation. In case, a party does not initiate or commence arbitral proceedings during the period of 90 days from the date of the order, the same may be automatically vacated.

4. The said issue is no more *res integra* in view of the judgment of the Supreme Court in ***Regenta Hotels Pvt. Ltd. vs. M/s. Hotel Grand Centre Point Point & Ors., 2026 (4) SCC 142.*** The relevant paragraphs are extracted hereunder:

> *"**34.** The rationale underlying Section 9(2) of the Act is that the arbitral proceedings shall be commenced within ninety days from the grant of interim protection. This prevents a party from abusing Section 9 to obtain interim protection without submitting to the arbitral forum and it also ensures that interim measures remain tied to the arbitration they are meant to support. If this safeguard is interpreted in a manner that contradicts the statutory definition of the commencement, to do so would allow courts to rewrite Section 21 sub silentio."*

5. In view thereof, it is axiomatic that this Court has to necessarily vacate the initial stay order which was passed on 26.05.2026.

6. In view thereof, the interim order dated 26.05.2026 stands vacated.

7. Heard the learned counsel for the parties.

8. Both Ms. Mohna M. Lal, learned counsel for the petitioner and Mr. Manish Vashisht, learned counsel for the respondents, on instructions, state that the parties are willing for the appointment of an Arbitrator by this Court. They both are also *ad idem* that the present application be treated as one under Section 17 of the Act, by the learned Arbitral Tribunal and appropriate order be passed thereon on merits. The learned counsel for the parties are *ad idem* that the arbitration proceedings be conducted under the aegis of the Delhi

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International Arbitration Centre (DIAC), Delhi High Court.

9. In view thereof, the present application is directed to be treated as one under Section 17 of the Act, to be decided by the Arbitrator to be appointed today.

10. Having regard thereto, the petition is allowed and the following directions are passed:

i) Mr. Justice J.R. Midha, former Judge of Delhi High Court (Mob. No. 9717495003 is appointed as an Arbitrator to adjudicate the disputes between the parties.

ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').

iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

vi) The petitioner shall approach the learned Arbitrator within two weeks from today.

11. The learned Tribunal shall take up the application under Section 17 of the Act within a week from the constitution of the Tribunal and pass appropriate orders after hearing both the parties on its own merits. The DIAC is directed to ensure the compliance of the directions of this order expeditiously.

12. The petition is disposed of in the above terms.

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13. The date already fixed i.e. 23.11.2026 stands cancelled.

TUSHAR RAO GEDELA, J

OCTOBER 28, 2026
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