

S U P R E M E            C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).26137/2010

(From the judgment and order dated 06/09/2010 in LPA No. 408/2010 of The HIGH COURT OF DELHI AT N. DELHI)

AMBUJ HOTELS & REAL ESTATES P.LTD.

Petitioner(s)

VERSUS

INDIAN RLY.CATERING & TOURISM CORP.LTD

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report )

Date: 20/09/2010      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)      Dr.    A.M. Singhvi, Sr. Adv.  
                                 Mr.    Siddharth Luthra, Adv.  
                                 Ms.    Meenakshi Grover, Adv.  
                                 Mr.    Sanjeeb Panigrahi, Adv.  
                                 Mr.    Siddhartha Chowdhury, Adv.

                                 Mr. P.S. Mishra, Sr. Adv.  
                                 Mr. Manushankar Mishra, Adv.  
                                 Mr. Upendra Mishra, Adv.

For Respondent(s)    Mr. Sunil Malhotra, Adv.  
                                 Mr. Abhishek Puri, Adv.  
                                 Mr. P.N. Puri, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Having heard learned counsel for the parties, we are of the view that this matter may be disposed of even at this stage without issuance of notice.

The Special Leave Petition is directed against the Order of the Division Bench of the Delhi High Court in LPA No.408 of 2010 whereby, inter alia, a direction was given that a

..2-/

: 2 :

sum of Rs.20 Lakhs which had been deposited by the Petitioner herein was to be immediately remitted to the Respondent - Indian Railway Catering & Tourism Corporation Ltd. as they were entitled to encash the Bank Guarantee for unsatisfactory services rendered by the Petitioner after the Order dated

3.6.2010. Reference may also be made to an Order dated 26.7.2010 with regard to the depositing of the sum of Rs.25 lakhs in cash with the Registry of the High Court.

Be that as it may, in Paragraph 16 of the impugned judgment, the High Court has also referred to the Arbitration Clause in the agreement between the parties in the context that neither the Writ Petition nor the Letters Patent Appeal was maintainable.

In that view of the matter, we dispose of the Special Leave Petition by extending the interim Order already passed on 9.9.2010 for a period of six weeks from date.

Either party would be entitled to take steps for arbitration in terms of the arbitration agreement within one month from date. If an Arbitrator is appointed within the said period, he shall enter upon the reference within two weeks thereafter. As already indicated, the interim order will continue for a period of six weeks and the parties will thereafter, be entitled to apply for further directions/interim orders from the Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996.

..3-/

: 3 :

In the event the respondent does not take steps to appoint the Arbitrator in terms of the Arbitration agreement within the aforesaid period, this interim order will continue till one week after the Arbitrator is appointed.

(Geeta Ahuja)  
Sr. P.A.

(Juginder Kaur)  
Court Master