

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION

ARBITRATION PETITION NO. 35 OF 2017

LIFESTYLE EQUITIES CV (LE CV)

Petitioner(s)

Versus

QDSEATOMAN DESIGNS PVT. LTD. (QSD) AND ORS.

Respondent(s)

WITH

SLP(C) NOS. 32569 OF 2017 AND 36311 OF 2017

O R D E R

Heard learned counsel for the parties.

The present dispute arises out of an Agreement dated 30.06.2014. The Arbitration Clause contained in the aforesaid Agreement reads as follows:

"Any dispute arising out of or in connection with this Agreement shall first be resolved mutually by the parties through negotiations. If the parties are not able to settle the same through negotiations, each party may appoint an arbitrator and such appointed arbitrators shall appoint a third arbitrator for arbitration. The arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996. The place of arbitration shall be Chennai, India and the language of Arbitration shall be in English."

It is agreed between the parties that a reference may be made

to a sole Arbitrator. Considering the fact that the place of arbitration is Chennai, we appoint Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla, retired Judge of this Court to resolve all disputes between the parties. It is open for both the parties to take up all pleas, including those of maintainability. It will be equally open for both the parties to apply for interim relief under Section 17 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator. The observations of the High Court in its judgment dated 13.10.2017 should not be construed in any manner as restricting any relief that the respondent may pray for before the learned Arbitrator.

The arbitration petition and the special leave petitions are, accordingly, disposed of.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(NAVIN SINHA)

New Delhi,
Dated: 13th February, 2018.

Mr. Gaurav Pachnanda, Sr. Adv.
Mr. Mohit Goel, Adv.
Mr. Sidhant Goel, Adv.
Mr. Bhardwaj J.Shankar, Adv.

Mr. P.B.V.Srikar, Adv.
Mr. Suvidutt M.s., AOR

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

The Arbitration Petition and the special leave petitions
are disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)

AR CUM PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)

BRANCH OFFICER