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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. No.512/2007

10th DECEMBER, 2015

RAKESH THAPAR

..... Petitioner

Through: None.

versus

NAWAL KHANNA & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This petition under Section 34 of the Arbitration and Conciliation Act, 1996 impugns the Award dated 23.06.2007 passed by the respondent no.2 in the disputes between the petitioner and the respondent no.1. Respondent no.1 was the claimant in the arbitration proceedings and the present petitioner was the respondent.

2. The impugned Award holds that the respondent no.1/claimant is 50% owner of the property being industrial plot no.566 of 1000 sq.mts. in Pace City II, Gurgaon, Haryana (hereinafter referred as the 'suit plot')

provisionally allotted to the petitioner by Haryana Urban Development Authority (H.U.D.A.). During the pendency of the present petition disputes between the petitioner and the respondent no.1 were compromised in terms of the Memorandum of Settlement dated 21.03.2011, however, H.U.D.A. informed this Court that the petitioner and respondent no.1 had no rights to the suit plot and petitioner was not entitled to allotment of the suit plot as petitioner had not deposited the amount of Rs.49,26,054/-.

3. I.A. No.19075/2012 was filed for directions to H.U.D.A. to decide the representation and H.U.D.A. rejected the representation by its order dated 05.07.2013. As per this order dated 05.07.2013, photocopy of which is on this file, petitioner was not held entitled to the suit plot with respect to which there were disputes as to the ownership between the petitioner and respondent no.1.

4. In view of the fact that the very property/suit plot, ownership of which is sought to be pronounced upon by the impugned Award, does not exist in the name of respondent no.1, accordingly, this petition is infructuous because the Award dated 23.06.2007 itself is infructuous as the respondent in the arbitration proceedings and the petitioner in the present petition has

not been allotted the disputed plot by H.U.D.A. Petition is accordingly disposed of as infructuous in terms of the aforesaid observations.

DECEMBER 10, 2015
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VALMIKI J. MEHTA, J.