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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 102/2016**
MACHINE TOOL [INDIA] LIMITED

..... Petitioner

Through: Mr. Viraj Kadam, Adv.

versus

SPLENDOR BUILDWELL PRIVATE LIMITED & ANR.

..... Respondent

Through: Mr. Sacchin Puri, Adv. with Mr. Karu
Bhardwaj, Mr. Mridul Yadav & Mr.
Manish Prakash, Advs. for R-1 & 2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **29.04.2016**

1. The present petition has been filed under Section 9 of the Arbitration & Conciliation Act with the following prayers:-

“A. Allow the present petition by the petitioner;

B. Pass orders of injunction restraining the respondent no 1 and 2 from creating any third party rights with respect to the suit property [office space] situated at the 8th floor in tower B in the project Spectrum One, Gurgaon admeasuring about 600.613 Sq-Mtrs and at the 9th floor in tower B in the project Spectrum One, Gurgaon admeasuring about 371.609 Sq-Mtrs super area;

C. Pass such other orders necessary in the interest of justice;

D. Direct the respondents to pay the petitioner cost of the present litigation.”

2. As noted from the prayers itself, the subject-matter of the petition is in respect of two agreements, both dated February 18, 2014 with regard to property Unit No.901-903 admeasuring 371.609 sq. mtr i.e. 4000 sq. ft. of super area and 167.224 sq. mtr i.e. 1800 sq. ft. of covered area at 9th Floor of Tower-B and Unit No. 801-805 admeasuring 600.613 sq. mtr i.e. 6465 sq. ft. of super area and 360.367 sq. mtr i.e 3879 sq. ft. of covered area at 8th Floor of Tower-B situated at Sector-58, Gurgaon, Haryana.
3. Learned counsel for the parties state, that as both the agreements are between the same parties, the matter be referred for adjudication by a Sole Arbitrator with respect to both the agreements, to be held under the aegis of Delhi International Arbitration Centre (DAC). Accordingly, this Court appoints Justice Sunil Ambwani, retired Chief Justice of Rajasthan High Court, who is on the panel of Delhi International Arbitration Centre (DAC) as a sole Arbitrator, who would adjudicate the claims and counter claims, if any of the parties. The fee of the learned Arbitrator shall also be regulated by the Rules prescribed by Delhi International Arbitration Centre (DAC).
4. A copy of the order be sent to the Co-ordinator, Delhi International Arbitration Centre (DAC).
5. Petition stands disposed of.

V. KAMESWAR RAO, J

APRIL 29, 2016/ak