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

+ **O.M.P.(I) (COMM.) 36/2015 & IA NO. 26077/2015**

PREMIA BUILDTECH PRIVATE LTD Petitioner

Through: Mr.J.P.Sengh, Sr. Advocate with
Mr.Jaspreet Singh and Ms.Manisha
Mehta, Advocates

versus

DEVIKA GOLD HOMZ PRIVATE LTD Respondent

Through: Mr.Harish Malhotra, Sr. Advocate
with Mr.R.K.Modi, Advocates

CORAM: JUSTICE S.MURALIDHAR

ORDER

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27.09.2016

1. It is seen that an interim order was passed by this Court on 7th December 2015 to the effect that the Respondent is prohibited from transferring, parting with or disposing of Plot No.GH-6C, Sector-01, Greater Noida, U.P.

2. Learned counsel for both the parties state that there is no purpose served by the above order as they both have terminated the contract. It is an admitted position that the Petitioner did not carry out any construction. It is submitted by the learned Senior counsel for the Petitioner that it was prevented from doing so because of the failure on the part of the Respondent to obtain the revised sanction plans. This is of course disputed by learned Senior counsel for the Respondent.

3. Be that as it may, an essential claim of the Petitioner appears to be arising out of the booking received from 102 persons for the flats which were to be constructed. The Petitioner is also claiming return of the

moneys invested by it. Learned Senior counsel for the Respondent submits that these claims can be decided by an independent Arbitrator who can be appointed by the Court.

4. In that view of the matter, the interim order passed by this Court on 7th December 2015 is vacated with the consent of both the parties. This will not prevent the Petitioner from filing an application under Section 17 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator.

5. Accordingly, this Court appoints Mr. Justice V.K. Shali, a former Judge of this Court (Mobile No. 9717495000) as Sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

6. The petition and the pending application are disposed of. Order be given *Dasti*.

S.MURALIDHAR, J

SEPTEMBER 27, 2016

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