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

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+ **O.M.P.(I) (COMM.) 133/2016 & IA No. 24880/2015**

GRAND VENEZIA BUYERS ASSOCIATION (REGISTERED). Petitioner
Through: Mr Jayant Sud and Ms Honey Khanna,
Advs.

versus

GRAND VENEZIA COMMERCIAL TOWER PVT. LTD..... Respondent
Through: Mr Anil Atri, Sr. Adv. with Mr Ravi
Krishan Chandna, Ms Bindiya Logawney and Ms
Sadhna Sharma, Advs.

CORAM:

JUSTICE S. MURALIDHAR

ORDER

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24.01.2017

1. This petition has been filed by Grand Venezia Buyers Association (Registered), which is a registered body having for its members those who have booked space in Grand Venezia Mall Complex in Greater Noida.

2. On 4th December, 2015, this Court had granted interim order restraining the Respondent from creating any third party interest in respect of the virtual space allotted to the Petitioner in the Grand Venezia Commercial Tower situated at Greater Noida being developed at Plot No. SH-3, Site-IV, Industrial Area, Surajpur, Greater Noida, U.P., India or cancelling or encumbering the virtual space allotted to the Petitioner pending disposal of the present petition.

3. As is apparent from paragraph 8 of the petition, the Petitioner is espousing the cause of ten individuals who have been allotted such 'virtual space' and they have filed their affidavits in support of the petition. The fact, however, remains that while an arbitration clause is contained in the allotment letter issued by the Respondent to each of the above ten persons, there is no agreement as such between the Petitioner Association and the Respondent much less an agreement containing an arbitration clause. Therefore, the present petition seeking interim reliefs under Section 9 of the Arbitration and Conciliation Act 1996 ('Act') is not maintainable on behalf of the Petitioner association.

4. It is also pointed out by Mr Airi, learned senior counsel for the Respondent, that the Petitioner association has also filed a Consumer Case No.402 of 2015 before the National Consumer Disputes Redressal Commission, New Delhi ('NCDRC') which is still pending before NCDRC. The *status quo* order passed in the said petition by the NCDRC is continuing.

5. Mr Sud, learned counsel for the Petitioner prays that he may be permitted to amend the memo of parties to implead the ten individuals in place of the Petitioner association so that the petition can be pursued.

6. The Court is of the view that in the first instance, the ten individuals named in paragraph 8 of the petition should meet the management of the Respondent at its Noida office on 6th February, 2017 at 11 am with their set of demands and for resolution of their disputes. If the disputes are unable to

be resolved between the parties, it will be open for any of the ten individuals to invoke the arbitration clause mentioned in the allotment letter and thereafter take steps in accordance with law.

7. The petition and the application are disposed of. The interim order stands vacated. Since the *status quo* order has already been passed by the NCDRC is continuing, there is no requirement of any separate order *qua* the ten persons mentioned in para 8 of this petition.

8. *Dasti*.

S.MURALIDHAR, J

JANUARY 24, 2017/rd