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

+ ARB.P. 618/2018

+ ARB.P. 619/2018

**PIONEER URBAN LAND AND INFRASTRUCTURE LIMITED
& ORS.** Petitioners

Through Mr.Nikhil Nayyar, Mr.N.Sai Vinod,
Ms.Pritha Srikumar, Ms.Vasudha
Sharma and Ms.Mansi Binjrajka,
Advs.

versus

UNITECH LIMITED & ORS. Respondents

Through Ms.Shruti Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.09.2018**

1. These petitions under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') have been filed by the petitioner seeking appointment of the nominee Arbitrator on behalf of the respondents in relation to the Development Agreement and Marketing Agreement, both dated 04.11.2000. The said Agreements have been amended from time to time. The Agreements also contain an Arbitration Agreement in form of Clause 20 of the Development Agreement and Clause 10 of the Marketing Agreement.
2. The Arbitration Agreement(s) contemplate the appointment of an Arbitral Tribunal consisting of three Arbitrators, one to be nominated by the petitioner, the other by the respondent and the two Arbitrators jointly

appointing the third Arbitrator.

3. The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement in both the abovementioned Agreement(s) vide notice(s) dated 25.06.2018 and appointed its nominee Arbitrator. As the respondent failed to appoint its nominee Arbitrator, the present petitions have been filed.

4. Learned counsel for the petitioner making reference to the order dated 05.07.2018 passed by the Supreme Court in Special Leave Petition (Criminal) 5978-79/2017, *Sanjay Chandra & Ors. v. NCT of Delhi and Ors.*, submits that the Supreme Court has also observed that *inter-se* disputes between the parties is to be adjudicated.

5. Learned counsel for the respondents submits that the respondents have appointed **Hon'ble Mr. Justice Surinder Singh Nijjar**, Former Judge of the Supreme Court, as their nominee Arbitrator.

6. With the said nomination, the petitions have become infructuous and are disposed of as such. There shall be no order as to cost.

NAVIN CHAWLA, J

SEPTEMBER 27, 2018/Arya