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

+ **ARB. A. (COMM.) 62/2018**

JAMSHED ALAM

..... Appellant

Through: Mr.M.A.Karthik, Mr.Abhishek
Srivastava, Advs.

versus

LUBNA ABDULLAH & ANR.

..... Respondents

Through: Mr.Changhez Khan, Mr.Taranjit Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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28.11.2018

CAV 1094/2018

As the counsel for the respondents has entered appearance on
an advance notice, caveat stands discharged.

ARB. A. (COMM.) 62/2018 & IAs 16193-94-95-96/2018

1. After making submissions on the merit of the appeal, counsel for the appellant submits that without prejudice to his rights and contentions, the appellant be granted an opportunity to pay the current dues of the respondents, which are for a sum of Rs.13,27,675/-, in instalments. He further submits that the appellant shall pay the contractual licence fee to the respondents on a monthly basis during the pendency of the arbitration proceedings.
2. The suggestion is agreeable to the counsel for the respondents.
3. It is accordingly directed that the appellant shall pay a sum of Rs.13,27,675/- by way of following instalments to the respondents:

Rs.5 lacs within two weeks from today;
further sum of Rs.5 lacs within four weeks; and
a sum of Rs.3,27,675/- within six weeks from today.

4. The petitioner shall further continue to pay the Contractual Licence Fee to the respondents on a monthly basis in accordance with the Leave and License Agreement dated 02.02.2017.
5. The petitioner shall file an undertaking to comply with the above direction within a period of three days from today.
6. Upon petitioner filing such undertaking, the possession of the premises, which has admittedly been taken over from the petitioner by the Receiver appointed by the Arbitrator, shall be handed over to the petitioner.
7. The above order shall not prejudice either party in the proceeding before the Arbitrator.
8. Submissions have also been made by the counsel for the petitioner alleging bias against the Arbitrator. The petitioner shall be at liberty to move an appropriate application in this regard before the Arbitrator.
9. As far as the issue of jurisdiction of the Arbitrator is concerned, *prima facie*, I find no merit in the said contention of the counsel for the petitioner, however, in any case, the same has to be challenged by the petitioner in terms of Section 16(6) of the Arbitration and Conciliation Act, 1996 alongwith its challenge to the ultimate Award passed by the Arbitrator vide an application an under Section 34 of the Act.
10. The appeal is disposed of with the above directions, with no

order as to costs.

Dasti under the signatures of the Court Master.

NAVIN CHAWLA, J

NOVEMBER 28, 2018
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