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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 860/2018

FRIENDS MOTEL PVT. LIMITED

..... Petitioner

Through

Mr. Sandeep Sethi, Sr. Adv. with Mr.
Shankar Kr. Jha and Mr. Manu
Monga, Advs.

versus

SUPERTRACK HOTELS PVT. LIMITED

..... Respondent

Through

Mr. A.K. Singhla, Sr. Adv. with Mr.
Shiv Chopra ad Mr. Mayank Mishra,
Advs.
Mr. Sunil Gupta, Director in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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11.03.2019

1. This is a petition filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 (for short '1996 Act').
2. Notice in this petition was issued on 6.12.2018.
3. Mr. Singhla, learned senior counsel for the respondent, says that since the dispute revolves around the arrears of rent qua a tenanted property, it cannot be referred to an Arbitrator in view of the judgment of the Supreme Court in *Himangni Enterprises v. Kamaljeet Singh Ahluwalia*, (2007) 10 SCC 706.
4. Having said so, Mr. Singhla also fairly concedes that the Supreme Court in Civil Appeal no.2402/2019, in the matter of *Vidya Drolia and Ors.*

v. Durga Trading Corporation, has referred the judgment in *Himangni Enterprises* to a Bench of three Hon'ble judges.

5. Given these circumstances, Mr. Singhla says that this Court could appoint an Arbitrator, subject to the final outcome of the decision in *Vidya Drolia's* case. Mr. Sethi submits likewise.

6. Accordingly, Ms. Maninder Acharya, learned senior advocate, (Cell no.: 9810163078), is appointed as an Arbitrator in the matter.

7. Ms. Acharya will be paid her fee in terms of the provisions of the Fourth Schedule appended to the 1996 Act.

8. Needless to say, as indicated above, the final outcome will be subject to the decision of the Supreme Court in *Vidya Drolia's* case.

9. The petition is disposed of with the aforesaid terms.

RAJIV SHAKDHER, J

MARCH 11, 2019
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