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

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Date of decision: 18.02.2020

+ O.M.P.(I) (COMM.) 32/2020 and IA 1671/2020

RAHEJA DEVELOPERS LIMITED

..... Petitioner

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Gaurav Mitra, Ms. Manmeet Kaur, Ms.
Yashvardhan Bandi and Ms. Shreya
Raychaudhuri, Advocates

versus

PRAN MEHTA & ORS.

..... Respondents

Through: Ms. Manmeet Arora, Ms. Samapika
Biswal and Mr. Rishabh Sureka, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. Mr. Sandeep Sethi, learned senior counsel appearing for the petitioner / plaintiff has handed over a copy of the order passed on 13.02.2020 by the Court of Ms. Sumitra Kadian, Civil Judge, Gurugram, whereby the petitioner has withdrawn the suit, being CS No.1501/2019 against respondents / defendant nos.1 to 7. Copy of the order is taken on record.

2. With the consent of the parties, Hon'ble Mr. Justice Badar Durrez Ahmed, Former Chief Justice, Jammu & Kashmir High

Court is appointed as a Sole Arbitrator to adjudicate the disputes between the parties arising out of the following agreements :

Agreement to Sell dated 10.04.2017; Agreement of Guarantee dated 26.04.2017; Collaboration Agreement dated 20.07.2012; Collaboration Agreement dated 16.09.2013, Supplementary Collaboration Agreement dated 21.10.2014; Supplementary Collaboration Agreement dated 27.05.2015; Agreement dated 31.03.2017; Addendum to Collaboration Agreement dated 27.04.2017 and Deed of Adherence dated 21.10.2014.

3. The address and mobile number of the learned Arbitrator is as under:

Mr. Justice Badar Durrez Ahmed,
Former Chief Justice, Jammu & Kashmir High Court
14, Friends Colony (West), Block-A, Mathura Road,
New Delhi-110065
Mobile: 7042205786

4. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.

5. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.

6. Ms. Manmeet Arora, on instructions, from the respondent nos.1 to 7 submits that till the Arbitrator takes up the application under Section 17 of the Arbitration and Conciliation Act, 1996 (Act), proposed to be filed by the petitioner herein, the respondents will not sell, transfer, convey or create any third party rights in any manner whatsoever in the properties being 4.05 Acres

(commercial land) as stated in Addendum to Collaboration Agreement dated 27.04.2017.

7. Needless to state, the petitioner will move an application under Section 17 of the Act within a period of two days from constitution of the Arbitral Tribunal. Learned Arbitrator is requested to consider the application under Section 17 of the Act expeditiously.

8. Arbitrator is free to decide the application under Section 17 of the Act uninfluenced by the order passed by this Court and is at liberty to vary, modify or continue the order passed by this Court.

9. The petition is disposed of along with the pending application in the aforesaid terms.

Dasti.

JYOTI SINGH, J

FEBRUARY 18, 2020

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