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

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Date of decision: 27.08.2021

(i) + ARB.P. 733/2021

(ii) + ARB.P. 735/2021

ASIAN HOTELS (NORTH) LTD.Petitioner

Through: Mr. Sidhant Kumar & Ms. Manyaa
Chandok, Advocates

Versus

(i) SWATIKA JAIN

(ii) MADONNA'S

..... Respondents

Through: Mr. Mayank Bhugan, Advocate
Ms. Aditi Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT (oral)

The hearing has been conducted through video conferencing.

1. The above captioned petitions have been preferred under Section 11(6) of Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator for adjudication of disputes between the parties.
2. Since the relief sought by the petitioners in these petitions is more or

less similar against a common respondent, therefore, with the consent of counsel for the parties, these petitions have been heard together and are being disposed of by this common order.

3. Petitioner in the above captioned petitions is a hotel located in a building complex in the name and style of Hyatt Regency located at Bhikaji Cama Place, New Delhi. Respondent in the first captioned petition [ARB.P.733/2021] is in occupation and use of shop No. U-65-A, located at the Shopping Arcade, Hotel Grand Hyatt located at Bhikaji Cama Place vide License Agreement dated 01.07.1994 and respondent in the second captioned petition [ARB.P.735/2021] is in occupation of shop No. M-40, located at the Shopping Arcade, Hotel Grand Hyatt located at Bhikaji Cama Place vide License Agreement dated 10.09.1986.

4. Petitioner by communication dated 29.05.2020 revoked the license agreement and called upon the respondents to remove their goods by 01.06.2020. According to petitioner, the respondents are still in occupation of the shops in question.

5. According to petitioner, the aforesaid communication dated 29.05.2020 was disputed by respondents vide legal notice dated 30.06.2020 and 06.06.2020 respectively.

6. At the hearing, learned counsel for the petitioner submits that the dispute *inter se* parties can be resolved in terms of Clause-12 of the License Agreement by referring it to an Arbitrator and further informs that in other petitions arising out of similar disputes with regard to occupation of shops in the Shopping Arcade, Hotel Grand Hyatt located at Bhikaji Cama Place and revocation of license agreement, this Court in ARB.P.661/2021 and seven other petitions has appointed Mr. R. L. Meena, former Secretary, department of Law and Justice, the sole Arbitrator to adjudicate the disputes between the parties.

7. The aforesaid position is not disputed by learned counsel appearing on behalf of respondents.

8. Accordingly, **Mr. R. L. Meena, former Secretary, department of Law and Justice (Mobile: 9868601397)** is appointed sole Arbitrator to adjudicate the dispute between the parties in these petitions.

9. The fee of the learned Arbitrator shall be governed by the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

10. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

11. A copy of this order be sent to the learned Arbitrator for information.

12. With aforesaid directions, these petitions and pending application, if any, are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

AUGUST 27, 2021

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