



\$~50

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

% ***Date of decision: 24th November, 2023***

+ **OMP (I) (COMM.) 387/2023 & IA 23462/2023**

SANDHYA GUPTA

..... Petitioner

Through: Mr. Amardeep Singh & Ms. Karunay
Yadav, Advocates.

versus

BHANU GUPTA & ANR.

..... Respondents

Through: Mr. Satyajit Kumar Singh & Ms.
Khushboo, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as the "Act, 1996"*) has been filed by the petitioner seeking the following prayers:-

"I. Directing Respondent 1 to deposit Rs. 6,18,75,000/ (Rupees Six Crores Eighteen Lakhs and Seventy-Five Thousand only) before this Honourable Court until the matters is decided by the Arbitral Tribunal:

II. Injuncting Respondent 1 from in any manner selling, alienating, parting with possession and title of any Property of the Partnership whether movable and/ or immovable and any amount of money belonging to the Partnership including whole or any part of property situated at: W- 19/7, Western Avenue, Sainik Farms, New Delhi (earlier known as: 501/ A- 8, Western Avenue Sainik Farms, New Delhi) and also injuncting



Respondent 1 from creating any third party right and interest in the said properties;

III. Injuncting Respondent 1 from in any manner dispossessing the Petitioner from the Property situated at: W- 19/7, Western Avenue, Sainik Farms, New Delhi (earlier known as: 501/ A- 8, Western Avenue Sainik Farms, New Delhi) ”

2. Notice issued.
3. Learned counsel for the respondent No.1 appeared on advance Notice and accepted the Notice.
4. During the course of arguments, learned counsel for the petitioner submitted that the Notice for invocation of arbitration in terms of the Agreement between the parties has already been issued on 14.09.2023 and that there is no objection to the appointment of Arbitrator in the present proceedings.
5. Learned counsel for the respondent No.1 has also submitted that he has no objection to the appointment of the learned Arbitrator for adjudication of *inter-se* disputes between the parties.
6. In view of the submissions made by the parties, the present petition is treated as one under Section 11 of the Act, 1996. Accordingly, Ms. Justice Mukta Gupta, Former Judge, Delhi High Court (Mobile No.9650788600) is hereby appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
7. The parties are at liberty to raise their respective objections before the learned Arbitrator.
8. The fees of the learned Arbitrator may be fixed in accordance with the Schedule IV of the Act, 1996; or as otherwise agreed between the Arbitrator



and the parties.

9. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of the Act, 1996 and not being ineligible under Section 12(5) of the Act, 1996.

10. Learned counsels for the parties are directed to contact the learned Arbitrator within one week. The Registry of this Court is also directed to communicate a copy of this Order to learned Arbitrator immediately.

11. The parties are directed to maintain status quo in respect of the properties and money belonging to the partnership including the property bearing No. W-19/7, Western Avenue, Sainik Farms, New Delhi (earlier known as: 501/A- 8, Western Avenue Sainik Farms, New Delhi), till the learned Arbitrator enters into reference and the present application under Section 9 of the Act, 1996 may be taken up by the learned Arbitrator treating it as one under Section 17 of the Act, 1996.

12. The petition along with pending applications, if any, are accordingly disposed of in the above terms.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 24, 2023
akb