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

+ **ARB.P. 52/2024**

SHRI SUKHRAJ AND ORS

..... Petitioners

Through: Mr. Sanjeev Kumar Sharma with Mr.
Parth Viraj, Mr. Rajiv Dalal, Mr.
Vikas Bharadwaj and Mr. Alok
Kumar, Advocates.

versus

PURI CONSTRUCTION PRIVATE LIMITED AND ORS

..... Respondents

Through: Counsel (appearance not given).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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15.01.2024

I.A. 960/2024

Exemption granted, subject to just exceptions.

Application stands disposed of.

ARB.P. 52/2024

By way of the present petition under section 11 of the Arbitration & Conciliation Act 1996 ('A&C Act' for short), the petitioners seek appointment of an arbitrator to adjudicate upon the disputes that are stated to have arisen with the respondents from Collaboration/Development Agreement dated 24.10.2006.

2. Mr. Sanjeev Kumar Sharma, learned counsel for the petitioners has drawn the attention of this court to Clause 30 of the Collaboration/Development Agreement which comprises the arbitration agreement between the parties; and contemplates reference of disputes between them to arbitration in accordance with the A&C Act; with the jurisdiction vesting in the courts at New Delhi.



3. As per the record, the petitioners invoked arbitration *vide* Notice dated 13.10.2023; and respondents have also invoked arbitration *vide* Notice dated 25.09.2023.
4. The petitioners had also responded to the arbitration notice issued by the respondents *vide* their reply dated 16.10.2023.
5. At the outset, learned counsel appearing for the petitioners submits that though he has impleaded respondents Nos. 3 to 13 in the present matter, the said persons were impleaded for sake of completeness since they were parties to the collaboration agreement. However, counsel submits that since the petitioners have no claim against respondents Nos. 3 to 13, the said respondents are not required to be referred to arbitration.
6. Issue notice.
7. Learned counsel appears on behalf of respondents Nos. 1 and 2 on advance copy; accepts notice; and fairly does not oppose the appointment of a sole arbitrator.
8. Upon a conspectus of the averments contained in the petition and the submissions made, this court is satisfied that there is a valid and subsisting arbitration agreement between the parties; that this court has territorial jurisdiction to entertain and decide the present petition; and also that the disputes that are stated to have arisen between the parties as set-out *inter-alia* in the invocation notices do not appear *ex-facie* to be non-arbitrable.
9. Accordingly, the present petition is allowed and Hon'ble Mr. Justice S. Ravindra Bhat, former Judge of the Supreme Court of India (Cellphone



No. +91 9818000160) is appointed as the learned Sole Arbitrator to adjudicate upon the disputes between the parties.

10. The learned Arbitrator may proceed with the arbitral proceedings subject to furnishing to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
11. The learned Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Arbitrator.
12. Parties shall share the arbitrator's fee and arbitral costs, equally.
13. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on merits, in accordance with law.
14. Parties are directed to approach the learned Arbitrator appointed within 10 days.
15. A copy of this order be communicated by the Registry to the learned Sole Arbitrator.
16. The petition stands disposed of in the above terms.
17. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 15, 2024

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