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

+ **ARB.P. 42/2023**

DR. SATYA PRAKASH GUPTA Petitioner

Through: Mr. Siddharth Aggarwal, Sr. Adv.
with Mr. Gyanendra Kumar, Mr.
Abhijit Mittal, Mr. Aukalp Jain, Ms.
Shaivya Singh, Mr. Vishwajeet Singh,
Ms. Aditi, Mr. Pulkit Khanduja,
Advs.

versus

CZAR BUILDWELL PRIVATE LIMITED & ORS.

..... Respondents

Through: Mr. Prashant Mehta, Mr. Aarav
Mehra, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.01.2024

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1. By way of the present petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks appointment of the Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Binding Term Sheet dated 07.12.2020, which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of the *A&C Act*. It further provides that the place of arbitration would be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 29.09.2021.
4. Learned counsel appearing for the respondent, on instructions,



submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator. The claimed amount is stated to be Rs. 49,00,50,000/- (Rupees Forty-Nine Crores and Fifty Thousand).

5. Considering that both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

- i.) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
- ii.) As agreed by both the counsels for the parties, Justice Mr. R. K. Gauba, (Retd. Judge, Hon'ble Supreme Court) is appointed as the sole arbitrator to adjudicate the disputes between the parties.
- iii.) The remuneration of the learned Arbitrator shall be determined with the consent of the parties.
- iv.) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act before entering into the reference.
- v.) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

6. The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J

JANUARY 11, 2024/AR