



\$~35

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

+ **O.M.P.(I) (COMM.) 31/2024, I.A. 1756/2024**

RAJESH KUMAR PASRICHA

..... Petitioner

Through: Mr. Siddhant Asthana, Mr. Chhatar
Pal Singh, Advs.

versus

SPLENDOR BUILDWELL PVT LTD & ANR. Respondents

Through: Mr. Praveen Kumar, Mr. Sarthak
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

24.01.2024

I.A. 1755/2024 (exemption)

Exemption is allowed subject to all just exceptions.

O.M.P.(I) (COMM.) 31/2024

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following prayers;

a) Direct the Respondents, its agent(s), Director(s), nominee(s), assignees(s) and attorney Holder(s) or anyone claiming through them from entering into agreement to sale with an individual or entity with respect to subject units bearing no. 601,602,603,604,605 & 606, sixth floor, Tower-D Spectrum One admeasuring a super area of 5385 sq.ft at Sector 58, Village Behrampur, Tehsil Sohna, District Gurgaon, Haryana and also direct the Respondents, its agent(s), Director(s), nominee(s), assignees(s) and attorney Holder(s) or anyone claiming through them from creating any kind of third party rights with respect to the aforesaid Units until the sale deed is executed by the Respondents in favour of the Petitioner;



- b) Direct the Respondents to deposit before this Hon'ble Court a sum of Rs. 1,98,71,978/-with future interest at the rate of 9% from the date of Final Award till the date of payment of Rs. 1,98,71,978/-.*
- c) Direct the Respondents to deposit assured returns at the rate of Rs. 71.50/-per. Sq. ft. per month for the allotted area of 5385 sq.ft before this Hon'ble Court amounting to Rs. 3,85,027/- per month from date of award till the compliance of the directions contained in the award.*
- d) Direct the Respondents to deposit before this Hon'ble Court the arbitral fees and expenses of Rs. 6,83,536/- awarded to the Petitioner by the Ld. Sole Arbitrator.*
2. Issue notice.
3. Mr. Praveen Kumar, learned counsel for the respondent has accepted the notice.
4. Learned counsel for the respondent on instruction states that subject units bearing no. 601,602,603,604,605 & 606, sixth floor, Tower-D Spectrum One admeasuring a super area of 5385 sq. ft at Sector 58, Village Behrampur, Tehsil Sohna, *District* Gurgaon, Haryana shall not be alienated/transferred/encumbered in favour of the third party. Learned counsel has also undertaken that respondents are in the process of filing a petition under Section 34 and remaining prayers can be agitated under the petition under Section 34 of the Arbitration and Conciliation Act.
5. Since learned counsel for the respondent has made a statement at Bar on instructions that no third-party interest shall be created nor the possession shall be transferred of the subject matter of the property, learned counsel for the petitioner submits that the petition may be disposed of with the liberty to agitate all the remaining prayers in the



petition under Section 34 of the Act if filed in accordance with the law.

6. The respondents are held bound by the undertaking given by them before this Court.
7. In view of the submissions made, the present petition stands disposed of with liberty as prayed for.

DINESH KUMAR SHARMA, J

JANUARY 24, 2024

Pallavi