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

+ O.M.P.(T) 3/2024 & I.A. 3403/2024

MAHIMA PRODUCTION LTD.

.....Petitioner

Through: Mr. Kunal Kalra, Advocate.

versus

MADS CREATIONS PVT.LTD.

.....Respondent

Through: Mr. Archit Verma ,Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.11.2024

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1. The Petitioner has approached this Court primarily to declare the appointment of a Sole Arbitrator by the Respondent which is a unilateral appointment, as *non est* in view of the judgment passed by the Apex Court in Perkins Eastman Architects DPC & Anr. v. HSCC (India) Limited, (2020) 20 SCC 760.
2. It is stated that the claim before the Arbitrator is less than Rs.2 crore. An objection is raised by the Respondent stating that this Court will not have the jurisdiction under Section 2(1)(e) of the Arbitration & Conciliation Act.
3. Since the claim of the Respondent is less than Rs.2 crore, this Court gave a suggestion to the learned Counsel for the Petitioner to approach the court of competent jurisdiction in light of Section 2(1)(e) of the Arbitration & Conciliation Act to get a declaration that the appointment of Arbitrator is *non est*. However, the court of competent jurisdiction would not have the competence to appoint an Arbitrator in view of the Section 11 of the



Arbitration & Conciliation Act.

4. In view of the fact that the judgment of the Apex Court in Perkins Eastman Architects DPC & Anr. v. HSCC (India) Limited, (2020) 20 SCC 760, covers this case completely, this Court is inclined to extend the protection granted by this Court *vide* Order dated 16.02.2024 restraining the Arbitrator to proceed ahead in the matter for a period of three weeks from today to enable the Petitioner to approach the court of competent jurisdiction.
5. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 22, 2024

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