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

+ O.M.P.(I) (COMM.) 60/2023, I.A. 3838-39/2023, 6431/2023.

ADITYA BIRLA FINANCE LIMITED & ANR. Petitioners

Through: Mr. Ashim Sood, Mr. Ekansh Gupta,
Adv.

versus

ATS HOUSING PRIVATE LIMITED & ORS. Respondents

Through: Mr. Krish Kalra, Adv.
Mr. Amol Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

02.02.2024

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1. This is a petition under Section 9 of the Arbitration and Conciliation Act seeking restraint orders against respondent No. 1 and 4 from selling, transferring, disposing of, alienating, parting with possession of movable and immovable properties which are secured to the petitioners.
2. In addition, the petitioner also prays direction to respondent Nos. 1 and 2 to deposit amounts received by them in a designated escrow account with Kotak Mahindra bank.
3. After some arguments, the parties agree that a Sole Arbitrator may be appointed by this Court who shall enter reference and thereupon all the claims made in the present petition will be urged before the learned Sole Arbitrator under Section 17 of the Arbitration and Conciliation Act.
4. In this view of the matter, the petition is allowed and disposed of with



the following directions:

- i) Justice R.S. Endlaw (Retd.) (Mob. No. 7042913930) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, 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.
- v) The parties shall approach the learned Arbitrator within two weeks from today.
- vi) The present petition will be treated as a Section 17 application by the Sole Arbitrator and will be adjudicated as expeditiously as possible.

JASMEET SINGH, J

FEBRUARY 2, 2024/DM

Click here to check corrigendum, if any