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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 87/2024 & I.A. 3614/2024**
MKMG JEWEL DEVELOPERS PVT LTD

.....Petitioner

Through: Mr. Raghav Marwah, Adv.

versus

BLISS EQUITY PVT LTD

.....Respondent

Through: Mr. Naveen Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.07.2024

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1. This is a petition filed under section 34 of the Arbitration and Conciliation Act, 1996 seeking to set aside of the impugned Award dated 18.11.2023 passed by the learned Sole Arbitrator.
2. In the connected matter being O.M.P. (COMM) 158/2024, I have already set aside the final award dated 13.02.2024 passed by the learned Sole Arbitrator on the ground of being contrary to the judgement of the Hon'ble Supreme Court in *Perkins Eastman Architects DPC vs. HSCC (India) Ltd., (2020) 20 SCC 760* and *TRF Limited & Anr. vs. Damodar Valley Corporation & Anr., AIR 2017 SC 3889*.
3. Further, I have also held that the appointment is barred under Section 12(5) read with Seventh Schedule of the Arbitration and Conciliation Act, 1996.



4. In the present case, the facts are also similar. The appointment of the learned Sole Arbitrator has been done by Mr. Rahul Garg, the Director of the respondent company.
5. The same is contrary to law and for the judgments above mentioned, for the said reasons and for the reasons stated in O.M.P. (COMM) 158/2024 , the impugned Interim Award dated 18.11.2023 is non-est in law.
6. Hence, the present petition is allowed and the impugned Interim Award dated 18.11.2023 is set aside.
7. Pending applications are also disposed of.

JASMEET SINGH, J

JULY 9, 2024 / (MS)

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