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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 410/2024

AMERDEEP SINGH JOHAL & ANR. (THROUGH SPA HOLDER)
JASBIR SINGH BHOGALPetitioner

Through: Mr. Ashish Bhagat, Mr. Ritik Malik,
Mr. Brijesh Kumar, Mr. Akhil Suri,
Advs.

versus

SOMYA ESTATES PRIVATE LIMITED & ORS.Respondents

Through: Mr. Shubham Shekhar, Mr. Himanshu
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

15.10.2024

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1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of the Sole Arbitrator to adjudicate the disputes between the parties.
2. The respondent No. 1 is the Company and respondent Nos. 2,3 and 4 are the directors of the respondent No. 1 company.
3. The petitioner and respondent No. 1 entered into Sub-Lease Deed dated 10.03.2005 wherein the petitioner purchased the Villa No. C-15 measuring 1556 sq.ft in Tarika's Gold Coast Villa situated at Varaca, Goa for a total sale consideration of Rs. 42.6 lakhs. However, the respondent did not transfer the title in favor of the petitioner.
4. The arbitration clause is Clause 29 of the said Deed which reads as under:-

“29: Provided always that of any dispute, difference or question



at any time hereafter arises between the parties hereto or their respective representatives in respect of the construction of these present or concerning anything herein contained or arising out of these present or as to the rights, liabilities or the duties of the said parties hereunder, the same shall be referred to arbitration of two persons appointed by the each party. The arbitrator may in turn appoint an umpire. Provisions if the Indian Arbitration Act shall apply to such reference.”

5. It is alleged that in terms of Clause 20 of said Deed, the respondent was to execute a conveyance deed in favor of the petitioner as well as to perform other obligations.
6. Since the respondent did not do the same, the petitioner invoked an arbitration *vide* Legal Notice dated 11.10.2023.
7. Mr. Shekhar, learned counsel appears for the respondents and states that he has no objection for appointment of an Arbitrator subject to all legal objections including the claims that are barred by limitation be left open to be adjudicated by the learned Arbitral Tribunal.
8. Mr. Bhagat, learned counsel for the petitioner states that he has no objection to the said request.
9. For the said reasons, the petition is allowed and the following directions are issued:-
 - i. Mr. Amrit Pal S. Gambhir, Adv. (Mob. No. 9810082347) 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’).



- iii. The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to 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 claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - vi. The parties shall approach the learned Arbitrator within two weeks from today.
10. The present petition is disposed of in the above terms.

JASMEET SINGH, J

OCTOBER 15, 2024/NG