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

+ **ARB.P. 435/2024**

CUSHMAN AND WAKEFIELD INDIA PVT LTD

.....Petitioner

Through: Mr Dhruva Bhagat and Ms Somya
Bhagat, Advs.

versus

LOGIX INFRADEVELOPERS PVT LTD

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

30.07.2024

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.

2. The parties entered into a Project Management Service Agreement dated 01.10.2021 for development of Logix Neo World-high-rise, Central Park (Low-rise) and City Centre-150 (Commercial) (Mixed Land use development), Sector 150 NOIDA, wherein the petitioner had given its services to the respondent for development of the property. The petitioner had to recover about Rs. 44 lakhs for the services rendered. The agreement contained arbitration clause, being clause 13.2, which reads as under:

“13.2 Dispute Resolution

(a) If, within 7 days of a Dispute Notice being given (or within such



further period as agreed in writing by the parties), the parties have not agreed on:

(i) the dispute resolution technique and procedures to be adopted in seeking to resolve the Dispute;

(ii) the timetable for all steps in those procedures; and

(iii) the selection and compensation of all independent persons required for such technique, then the parties must forthwith refer the dispute to arbitration.

(b) The arbitration must be conducted in Delhi in accordance with the Arbitration and Conciliation Act, 1996 or any statutory modification thereof by sole arbitrator mutually appointed by the parties. Language of arbitration shall be English.

(c) During the course of amicable settlement under 13.2 each party must be represented by a person having authority to agree to a resolution of the dispute.”

3. The petitioner issued legal notice in terms of clause 13 of the agreement *vide* Default Notice dated 04.01.2024. Since, there was no reply and the amounts were not paid, the petitioner invoked arbitration and filed the present petition.

4. Notice was issued and Ms Nandini Aishwarya, learned counsel appeared for the respondent on 13.05.2024 and requested that the matter be referred to mediation.

5. Mr Bhagat, learned counsel for the petitioner states that the mediation was a ‘Non Starter’ as the respondent did not join the mediation process.

6. The statement of Mr Bhagat, learned counsel for the petitioner is taken on record regarding failure of mediation.



7. There is nobody appearing for the respondent and neither any response has been filed.

8. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:-

- i) Ms. Girija Krishan Varma, Advocate (Mob. No. 9313338142) 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/counter-claims and 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.

9. The petition is allowed and disposed of in the aforesaid terms.

JULY 30, 2024/sr

JASMEET SINGH, J

[Click here to check corrigendum, if any](#)