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

+ **ARB.P. 486/2024**

POONAM GUPTA & ANR.

.....Petitioners

Through: Mr Gaurav Kumar Singh, Mr Romit Singh and Mr C Mukund, Advs.

versus

INDIABULLS HOUSING FINANCE LIMITED AND ANR.

.....Respondents

Through: Ms Sangeeta Sondhi, Mr Shashwat Roy and Mr Jatiner, Advs. for R-1 (through VC)
Mr Dharitry Phookan, Ms Lanutula Karanaur and Ms Chandrika Sachdev, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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18.07.2024

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of the Sole Arbitrator.
2. It is stated that the petitioners are the absolute owner of premises bearing No. GSR-04, having total built up area admeasuring approximately 465 sq. ft. at Ground Floor of Commercial Building, namely Ansal Plaza, Vaishali, Ghaziabad, Uttar Pradesh. The premises has been let out to respondent No.1 *vide* Lease Deed dated 28.06.2018 for a period of 9 years.
3. Respondent No.2 is the maintenance agency of the building. A tripartite agreement was executed between the petitioner, respondent No.1 and respondent No.2 wherein respondent No.1 was to pay the monthly



common area maintenance charges directly to respondent No.2. On 18.12.2019 an addendum agreement was executed between the parties.

4. As per the petitioner, since respondent No.1 failed to comply with its obligation, the petitioner on 28.09.2020 issued legal notice calling for vacant and peaceful possession of the property.

5. Since there were disputes between the parties, the petitioner invoked the arbitration clause being Clause 13.1 of the Lease Agreement dated 26.08.2018, *vide* legal notice dated 05.09.2023 and thereupon filed the present petition.

6. Notice was issued on the last date.

7. Ms Sondhi, learned counsel accepts notice on behalf of respondent No.1.

8. Ms Karanaur, learned counsel accepts notice on behalf of respondent No.2.

9. Learned counsel for the respondents state that they have no objection to the petition being allowed subject to respondent's rights and contentions being kept open.

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

- i) Ms. Prema Priyadarshini, Advocate (Mob. No. 9818107970) 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 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.

JASMEET SINGH, J

JULY 18, 2024

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