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

+ **ARB.P. 709/2023**

HARISH CHANDNA AND SONS (HUF) Petitioner
Through: Mr Rajmangal Kumar, Adv.

versus

AHUJA AND ANAND BUILDWELL (P) LTD. Respondent
Through: Mr Vinod Sabharwal, Mr Rajeev
Kapoor, Mr Siddhartha Verma, Mr
Aditya Rai and Mr Shivam Bharara,
Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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09.02.2024

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator pursuant to the lease deed dated 22.02.2016.
2. Mr Kapoor, learned counsel for the respondent states that after the lease deed, an addendum was issued on 15.04.2021 wherein the arbitration clause of the lease deed dated 22.02.2016 was modified and the seat of Arbitration was fixed at Ghaziabad. Hence, his reply states that the present petition is not maintainable before this Court.
3. After some arguments, both the counsels agree that an order may be passed by this Court directing DIAC to appoint an Arbitrator being a retired ADJ from Ghaziabad. They further state that both parties will appear before the ADJ at Ghaziabad in terms of Clause 6 of the addendum dated



15.04.2021.

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

- i) The Delhi International Arbitration Centre shall appoint an Arbitrator being a retired ADJ from Ghaziabad 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.

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

JASMEET SINGH, J

FEBRUARY 9, 2024

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