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

+ **ARB.P. 743/2023**

THE NATIONAL COUNCIL OF YMCAS OF INDIA

..... Petitioner

Through: Mr Manish Sharma and Mr Puneet
Jaiswal, Advs.

versus

**M/S S. G. INFRA PROMOTERS PVT. LTD. (PREVIOUSLY
M/S S. GUPTA BUILDTECH LTD.) AND ANR**

..... Respondents

Through: Mr Shail Kumar Dwivedi, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.02.2024

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1. Pursuant to the last order, Mr Dwivedi, learned counsel for the respondents states that this Court has jurisdiction to adjudicate the present petition.
2. The petitioner seeks reference to arbitration in terms of arbitration clause being clause 41 of the Agreement dated 05.12.2006 read with clause 11 of the Addendum Agreement dated 08.04.2015.
3. It is stated that the petitioner entered into Agreement dated 05.12.2006 for development and construction of the suit property. As per the addendum, certain rights were secured in favour of the petitioner and the respondent No.1.
4. The addendum of 08.04.2015 was entered into between the petitioner, respondent No.1 and respondent No.2 wherein the respondent No. 2 was



introduced for carrying out the project work.

5. The existence of arbitration clause is not disputed. The petitioner through counsel issued Legal Notice dated 20.01.2023 bringing on record non-compliances by the respondent. The arbitration clause was invoked vide Legal Notice dated 29.05.2023 to which reply was filed on 29.06.2023.

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

- i) Mr. Justice G.S. Sistani (Retd.) (Mob. No. 9871300034) 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 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.

7. The learned Arbitrator shall enter reference after two weeks of the



order, for the parties to explore the possibility of a settlement.

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

JASMEET SINGH, J

FEBRUARY 13, 2024

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