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

+ **O.M.P.(I) (COMM.) 153/2024 & I.A. 33893/2024**

RAJ KUMAR ARORA & ORS.

.....Petitioners

Through: Mr Rajiv K Garg, Mr Ashish Garg
and Mr Shiven Banga, Advs.

versus

CHETANYA BUILDCON PVT LTD

.....Respondent

Through: Mr Shreyans Singhvi, Ms Akanksha
Agrawal and Ms Tanuja Singh, Advs.
(through VC)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.08.2024

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1. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking interim relief.
2. It is stated that the parties entered into a Memorandum of Understanding ('MoU') dated 06.11.2018 for the purpose of development of property No. W-22, G.K-II, New Delhi-110048.
3. Under the terms of the MoU the petitioner was entitled to the ground floor and basement of the aforesaid property. In addition, there were certain amounts which were paid to the petitioner by the respondent by cheques, however, the said cheques were dishonoured.
4. Hence, the present petition has been filed seeking interim reliefs.
5. When the matter came up for hearing on 28.05.2024 this Court recorded that the petitioner is already in possession of the ground floor and



the basement of W-22, G.K, PART-II, New Delhi.

6. After some arguments, the parties are agreeable that an Arbitrator may be appointed by the Court and all the issues raised in the present Section 9 petition may be decided by the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996.

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

- i) Mr. Rudreshwar Singh, Senior Advocate (Mob. No. 9810025553) 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.

8. It is expected and requested to the learned Arbitrator to decide the



Section 17 application expeditiously and not later than six weeks from the date of entering reference.

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

JASMEET SINGH, J

AUGUST 29, 2024

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