



\$~6

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

+ ARB.P. 781/2024 & I.A. 30665/2024

SHRI DEEPANKAR SHARMA & ANR.Petitioners

Through: Ms Diksha Goswami, Adv.

versus

MRS ARTI JASWAL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.07.2024

%

1. This is a petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudicating the disputes between the parties.
2. The facts are that the respondent entered into a Lease Agreement dated 20.12.2022 in respect of property bearing No. J-39, Lower Ground Floor, East Facing (Between J and K Block), ad-measuring 900 square feet for the purposes of running a Unisex Salon. The Lease Agreement was duly registered.
3. Since the respondent was in default of payment of rent, the petitioners on 28.04.2023 issued a Legal Notice for termination of the Lease Agreement.
4. The petitioners also instituted Pre-Litigation mediation on 14.07.2023 but the same was closed as 'Non-Starter'.
5. The petitioners filed a suit for possession and mesne profits wherein



the respondent filed an application under Section 8 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator in view of the arbitration clause in the Lease Agreement. On 14.05.2024, the application under Section 8 was allowed and the parties were referred to Arbitration. Hence, the present petition.

6. In view of the Section 8 application and in view of the order dated 14.05.2024, there has been no further notice and the application as well as the order constitute a notice under Section 21 of the Arbitration and Conciliation Act, 1996.

7. When the present petition was listed, notice was issued to the respondent and as per the service report, the respondent has duly been served. There is no appearance on behalf of the respondent.

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. Kanak Grover, Advocate (Mob. No. 9811098090) 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.

JASMEET SINGH, J

JULY 29, 2024

sr

Click here to check corrigendum, if any