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

+ O.M.P. (COMM) 501/2020, I.A. 5379/2021 & I.A. 15363/2021
SANJAY DHINGRA Petitioner
Through: Ms. Pratiksha Dwivedi, and Ms.
Nikita Capoor, Advocates.

versus

HERO FINCORP LIMITED Respondent
Through: Mr. Janender Kumar Chumbak,
Advocate.

+ O.M.P. (COMM) 561/2020
JTPL PRIVATE LIMITED FORMERLY KNOWN AS JTPL
TOWNSHIPS PRIVATE LIMITED Petitioner
Through: Ms. Pratiksha Dwivedi, and Ms.
Nikita Capoor, Advocates.

versus

HERO FINCORP LIMITED Respondent
Through: Mr. Janender Kumar Chumbak,
Advocate.

+ OMP (ENF.) (COMM.) 13/2021
M/S HERO FINCORP LIMITED Decree Holder
Through: Mr. Janender Kumar Chumbak,
Advocate.

versus

JTPL PRIVATE LIMITED Judgement Debtor
Through: Ms. Pratiksha Dwivedi, and Ms.
Nikita Capoor, Advocates.
+ OMP (ENF.) (COMM.) 135/2020 & EX.APPL.(OS) 1202/2021



M/S HERO FINCORP LIMITED

..... Decree Holder

Through: Mr. Janender Kumar Chumbak,
Advocate.

versus

SANJAY DHINGRA

..... Judgement Debtor

Through: Ms. Pratiksha Dwivedi, and Ms.
Nikita Capoor, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.05.2024

O.M.P. (COMM) 501/2020 & O.M.P. (COMM) 561/2020

1. The challenge in these petitions is to two arbitral awards, both dated 06.03.2020, by which disputes between the parties under a Deed of Personal Guarantee dated 23.10.2015 and a Deed of Corporate Guarantee dated 23.10.2015 respectively, were adjudicated.
2. One of the grounds raised by the learned counsel for the petitioners is that the awards are *non-est*, having been delivered by arbitrators unilaterally appointed by the respondent - Hero Fincorp Limited.
3. Mr. Janender Kumar Chumbak, learned counsel for the respondent, does not dispute that the arbitrators were appointed by the respondent unilaterally.
4. In these circumstances, following the Division Bench judgments of this Court in *Ram Kumar vs. Shriram Transport Finance Co.Ltd.* [2022 SCC OnLine Del 4268], *Govind Singh vs. Satya Group Pvt. Ltd.* [2023 SCC OnLine Del 37], *Kotak Mahindra Bank Ltd. vs. Narendra Kumar*



Prajapat [2023 SCC OnLine Del 3148] and *Babu Lal vs. Choramandalam Investment & Finance Co. Ltd.* [2023 SCC OnLine Del 7239], it is the settled position that the awards are a nullity and are inexecutable.

5. The petitions are, therefore, allowed and the impugned awards are set aside. However, the respondent is at liberty to invoke arbitration afresh on the same cause of action, if otherwise permitted to do so in law.

6. The petitions, alongwith pending applications, are disposed of.

OMP (ENF.) (COMM.) 13/2021 & OMP (ENF.) (COMM.) 135/2020

As the awards under enforcement have been set aside by the order passed today in O.M.P.(COMM) 501/2020 & O.M.P.(COMM) 561/2020, the enforcement proceedings, alongwith pending application, are disposed of.

PRATEEK JALAN, J

MAY 29, 2024
SS/