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

+ **ARB. A. (COMM.) 35/2024**

M/S JODHPUR MULTIFUNCTIONAL
COMPLEX PRIVATE LIMITED

..... Appellant

versus

IRCON INFRASTRUCTURE
AND SERVICE LIMITED

..... Respondent

Appearance:- Mr. Ramesh Singh, Senior Advocate with Ms. Monisha Handa, Mr. Rajul Shrivastava & Mr. Anubhav Sharma, Advocates for Appellant.
Mr. Nishit Kush, Mr. Siddharat Sikri, Ms. Kirti Singh, Mr. Prakash Tamta & Mr. Ishan Serwal, Advocates for Respondent.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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31.05.2024

I.A. 31438/2024 (Exemption) in ARB.A.(COMM) 35/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.A.(COMM) 35/2024

1. Issue notice. Mr. Nishit Kush, learned counsel, accepts notice on behalf of the respondent.
2. This appeal under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996 assails an order dated 14.05.2024 by which the learned Arbitrator has passed an interim order for deposit of certain amounts with the respondent under an unregistered Sub-lease Agreement dated 26.10.2015.



3. The operative portion of the aforesaid order reads as follows:

“6. Considering that one of the issues to be determined between the parties is the amount of sub-lease to be deposited by the Claimant, as an interim measure the Claimant is directed to deposit a sum of Rs. 8,24,498/- from the date of termination i.e. 01.05.2023 to 29.05.2023 thereafter Rs. 9,15,673/- per month with the Respondent without prejudice to rights and contentions of the parties, within four weeks and thereafter on or before 7th day of every month.”

4. Mr. Ramesh Singh, learned Senior Counsel for the appellant, makes a limited submission, for grant of further time to deposit the arrears as directed by the learned Arbitrator by the aforesaid order.

5. With the consent of learned counsel for the parties, the appeal is disposed of with the direction that the arrears for the period from 01.05.2023 until 31.05.2024, calculated at the rates mentioned in the order of the learned Arbitrator, will be paid in six monthly instalments. The first instalment will be paid by 07.06.2024, and further instalments will be paid by the 7th day of each succeeding month. The current rent for the sub-lease will be paid as directed by the learned Arbitrator - by the 7th day of each month w.e.f. 07.06.2024, at the rate mentioned in the order of the learned Arbitrator.

6. Mr. Singh submits that certain amounts have been received by the respondent from a sub-lessee under the appellant. This order is passed without prejudice to any rights and remedies of the appellant in this regard, before the learned Arbitrator.

7. The appeal is disposed of with the aforesaid directions.

PRATEEK JALAN, J

MAY 31, 2024

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