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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 853/2024

SUNBEAM VANIYA PRIVATE LIMITED & ORS.

.....Petitioner

Through:

versus

BANWARI LAL SHARMA ALIAS BANWARI LAL

.....Respondent

Through: Mr. Lakshay Dhamija, Mr. Sunar
Rastogi, Mr. Mohit Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

08.11.2024

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I.A. 43508/2024

1. This is an application filed by the petitioner seeking appropriate directions as per the judgment dated 23.08.2024 passed in Arbitration Petition 854/2024 titled as "*Saumya Binani & Ors. vs. Banwari Lal Sharma alias Banwari Lal*".
2. The brief facts are that the respondent is the owner in respect of land measuring 8 Bigha and 3 Biswas situated and lying at Khasra No. 85/1, 98/1/1 and 98/2 together with electric connection, tube well boundary wall at Village Shahoorpur, Tehsil Hauz Khas, South Delhi, Delhi. By virtue of an Agreement to Sell dated 27.09.2023, the respondent agreed to transfer the above said property to the petitioner for a total sale consideration of Rs. 14,79,00,000.
3. The arbitration clause is clause 16 of the said Agreement to Sell which



reads as under:-

“16. Any dispute, differences or claims between the Parties arising in relation to any matter under this Agreement or incidental thereto shall be settled by a sole arbitrator to be appointed by both the parties and the arbitration proceedings shall be conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and any statutory modification or re-enactment thereto. The Parties shall mutually appoint such sole arbitrator. The place of arbitration shall be New Delhi. The language of arbitration shall be English.”

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* notice dated 14.05.2024.
5. On the last date of hearing, notice was issued to the respondent.
6. Mr. Dhamija, learned counsel appears on behalf of the respondent and has no objection if the application as well as the petition is allowed in terms of the judgment dated 23.08.2024.
7. In terms of the judgment dated 23.08.2024 passed in Arbitration Petition 854/2024, Mr. Anant V. Palli, Senior Advocate is appointed as an Arbitrator to adjudicate the disputes between the parties.
8. In view of the above, the present application is allowed and the following directions are passed:-
 - i) Mr. Anant V. Palli, Senior Advocate (Mob: 9810199102) is appointed as the 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’).



- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v) 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.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
9. The present application is disposed of in the aforesaid terms.
- ARB.P. 853/2024**
10. In view of the order passed above, the petition is also disposed of along with the pending applications, if any.

NOVEMBER 8, 2024 / (MS)

JASMEET SINGH, J

Click here to check corrigendum, if any