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

+ **O.M.P.(MISC.)(COMM.) 501/2024**

MRS SHANTA KATHURIA & ANR.Petitioners

Through: Mr. Sameer Jain, Mr. Sudarshan
Singh Shekhawat, Mr. Anupam
Pandey, Mr. Himanshu Singh, Ms.
Srishti Agarwal, Advocates. [M:-
9819683965]

versus

ISHWARYA LAKSHMI CHINNAMRespondent

Through: Mr. Lalit Kumar & Mr. Satendra
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.08.2024

1. This petition, under Section 29A of the Arbitration and Conciliation Act, 1996 [“the Act”] concerns arbitral proceedings arising out of disputes between the parties under a Lease Agreement dated 26.08.2016. The petitioner seeks extension of the mandate for making the award by a period of six months.

2. By order dated 13.01.2023 in ARB.P. 1182/2022, a learned sole arbitrator was appointed, who remains in *seisin* of disputes between the parties. The petitioner is the claimant in the arbitration proceedings. Pleadings have been completed and the proceedings are at the stage of framing of issues. The learned arbitrator has also issued an interim order



dated 03.02.2024 under Section 17 of the Act.

3. Although a reply has been filed to the petition, a consensus has been achieved in the course of hearing, and learned counsel for the parties request that this petition may be disposed of on that basis.

4. With the consent of learned counsel for the parties, the petition is disposed of with the following directions:

- a. The mandate of the arbitration proceedings is extended for a period of one year from today.
- b. The learned arbitrator appointed by the order dated 13.01.2022 is substituted and Ms. Kanwal Inder, former District Judge [Tel: 9810125754] is appointed as the arbitrator for adjudication of the disputes. The learned arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.
- c. The arbitration proceedings will continue from the stage as they were before the erstwhile arbitrator. The proceedings filed by the parties and the arbitral record will be placed by the learned parties before the learned arbitrator appointed today. The learned erstwhile arbitrator is also requested to transmit the arbitral record to learned counsel for the parties, who will file it before DIAC.
- d. The arbitration proceedings will be held under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 and will be subject to Rules of DIAC, including as to the remuneration of the learned arbitrator.
- e. The learned arbitrator is requested to proceed as expeditiously as possible, notwithstanding the pendency of proceedings arising out of the interim order dated 03.02.2024. Learned counsel for the



parties assures the Court that they will cooperate with the learned arbitrator in this endeavour, and no unnecessary adjournments, will be sought.

- f. The proceedings in the arbitration are without prejudice to the rights and contentions of the parties in appeal, the contempt petition [OMP (CONT) 2/2024] and the execution petition, all of which have been filed in respect of the interim order dated 03.02.2024.
- g. It is made clear that this order is passed with consent of the parties and is not intended to reflect upon the conduct of the arbitral proceedings thus far.

PRATEEK JALAN, J

AUGUST 9, 2024
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