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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1067/2023

CARNATION HOTELS PVT. LTD. AND ANR. Petitioner

Through: Mr. Asher Revi Job, Adv.

versus

UNICORN REAL ESTATE

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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09.02.2024

1. This hearing has been done through hybrid mode.
2. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioners- Carnation Hotels Pvt. Ltd. and Lemon Tree Hotels seeking appointment of an arbitrator in terms of Clause 16.9B of the Hotel Operating Agreement dated 11th April, 2018.
3. The brief background of the present petition is that both the Petitioner No.1, and the Petitioner No.2 engaged in a business relationship with the Respondent, a partnership firm named Unicom Real Estate, concerning the construction and operation of a hotel. The parties entered into two main agreements: a Hotel Operating Agreement and a License Agreement, both executed on 11th April, 2018.
4. In terms of the above agreements, the Petitioner No.1 began managing a hotel with the Respondent. However, it is the case of the Petitioner that despite establishing standard operating procedures for effective hotel management, as per the Petitioners, the Respondent failed to comply with various critical aspects, including obtaining necessary licenses and permits,



adhering to life and safety standards, and timely payment of statutory liabilities and employee salaries.

5. Thereafter, the Petitioners jointly issued a termination notice dated 22nd December, 2022 to the Respondent, citing non-compliances and failure to make payments as per the said Agreements.

6. Subsequently, a legal notice dated 5th May, 2023 for payment was emailed by the Petitioners on 8th May, 2023. And thus, a notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1999 was issued on 28th July, 2023.

7. Notice in the present petition was issued on 12th October, 2023, and on the last date i.e. 6th December, 2023, the Respondent did not appear.

8. Today, Ld. Counsel for the Petitioners submits that he is an associate in AEKOM Legal, which is the law firm which filed the present petition.

9. Ld. Counsel appearing for the Petitioners wishes to withdraw the present petition as the disputes have been resolved between the parties. Accordingly, the petition is dismissed as withdrawn.

PRATHIBA M. SINGH, J.

FEBRUARY 09, 2024

Rahul/dn