



\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 350/2023**

INDIABULLS COMMERCIAL CREDIT LTD.Petitioner

Through: **Mr. Karan Luthra, Mr. Rohan Dua,
and Mr. Yogesh Malik, Adv.**

versus

JUHU REAL ESTATE DEVELOPERS PVT. LTD. & ORS.
.....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

% **ORDER**
24.01.2025

I.A. 2031/2025 (Exemption)

Allowed, subject to all just exceptions.

I.A. 49901/2024

1. This application under Section 151 CPC has been filed on behalf of the Petitioner seeking clarification/correction of the Order dated 12.12.2024 by which this Court had disposed of the petition being O.M.P. (I) (COMM.) 350/2023 wherein the petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 was directed to be treated as one filed under Section 17 of the Arbitration and Conciliation Act, 1996 by the Ld. Arbitrator.
2. It is stated by learned Counsel for the parties that the interim Order passed by this Court on 31.10.2023 will continue till the application under Section 9 of the Arbitration and Conciliation Act, 1996 which was directed



to be considered as Section 17 of the Arbitration and Conciliation Act, 1996 application *vide* Order dated 12.12.2024 is disposed of.

3. Needless to say that the Order dated 31.10.2023 passed by this Court will continue till the time the application filed under Section 17 of the Arbitration and Conciliation Act, 1996 is not disposed of.

4. The application is disposed of.

I.A. 2030/2025

1. This application under Section 151 CPC has been filed by the Petitioner for modification of the Order dated 12.12.2024 in view of the communication dated 15.01.2025 received from the Ld. Arbitrator appointed by this Court in OMP (I) (COMM) No.350/2023.

2. It is stated that the Arbitrator appointed by this Court has made his disclosure and the Respondents have an objection for the Arbitrator to continue with the arbitration proceedings.

3. Issue notice.

4. Learned Counsel appearing for the Respondents accepts notice. He states that he has no objection if the Arbitrator is appointed by this Court.

5. Accordingly, Justice Vineet Saran, former Judge of the Supreme Court of India (Mob. No.7897420209), is appointed as the sole Arbitrator to adjudicate upon the disputes which have arisen between the parties.

6. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

7. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within a week of



entering on reference.

8. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

9. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

10. The application is disposed of.

SUBRAMONIUM PRASAD, J

JANUARY 24, 2025

RJ