



2024:DHC:6779



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **ARB. A. (COMM.) 51/2023 and I.A. 23650/2023**

OCEAN SEVEN BUILDTECH PVT LTDAppellant
Through: Mr. Bhupender Pratap Singh, Adv.

versus

SH. SRI BHAGWANRespondent
Through: Mr. Gunjan Kumar, Ms. Sumitra
Choudhary and Ms. Jasmine Sheikh, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

03.09.2024

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1. After some hearing, learned counsel for the respondent was agreeable to a disposal of this appeal in the following terms :

(i) The appellant shall not be required to comply with the impugned order dated 22 September 2023;

(ii) The findings of the learned Arbitrators in the impugned order dated 22 September 2023 shall not influence the final decision in the arbitral proceedings and both sides shall be at liberty to advance exhaustive arguments on all aspects including on which the learned Arbitrators have expressed majority view in the impugned order dated 22 September 2023. This would include the interpretation of the expression “distributable



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revenue” as well as other clauses on which the learned Arbitrators have placed reliance;

(iii) The appellant shall be permitted to lead evidence even on the aspect of exclusions, though the learned Arbitrator would be at liberty to take a final call on the relevancy of the evidence, keeping in mind the interpretation he would finally adopt with respect to various clauses of the contract;

(iv) None of the observations or findings in the impugned order shall be treated as an expression of opinion on the merits of the matter or on the interpretation of the clauses of the contract. This Court should not be treated as having expressed any opinion one way or the other on the correctness of the findings of the learned Arbitrators.

2. This Court has complete faith in the objectivity of the learned Arbitrators while reconsidering the entire issue.

3. In view of the aforesaid stand taken by the respondent, it is not necessary for this Court to express any opinion on the merits of the present appeal.

4. The appeal is accordingly disposed of, in the aforesaid terms.

5. It is stated that the mandate of the learned Arbitral Tribunal is due to expire on 14 September 2024. It shall stand extended for the



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present by a period of six months from the said date.

C.HARI SHANKAR, J

SEPTEMBER 3, 2024/yg

Click here to check corrigendum, if any