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

+ **ARB.P. 28/2024 & I.A.456/2024**

**OCEAN INFRAHEIGHTS PVT LTD. .... Petitioner**

Through: Mr. Raghav, Advocate.

versus

**M/S DIVYAM INFRADEVELOPERS PVT LTD. .... Respondent**

Through: None.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

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**05.04.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of sole Arbitrator. The dispute in the present case arises out a contract dated 15th July, 2017 for construction of commercial tower at Golden-I at Plot No. 11, Techzone IV, Greater Noida West, Uttar Pradesh, due to non-compliance of the contractual terms. Despite the timely delivery of steel and concrete, the Respondent consistently failed to execute the work on time, leading to significant financial losses for the Petitioner.
3. It was averred in the plaint that despite repeated requests, the Respondent neglected to replace non-technical staff and address structural issues, and instead employed supervisors on-site who hindered the Petitioner's staff from raising quality concerns.
4. Subsequently, on 18th April, 2023, the Petitioner formally invoked arbitration under Clause 62 of the Contract, proposing the sole Arbitrator for adjudication and requesting the Respondent's consent. However, the



Respondent, while acknowledging receipt of the arbitration notice via a letter dated 1st May, 2023, failed to provide consent for the appointment of an Arbitrator and hence the present petition has been filed.

5. Ld. Counsel for the Petitioner submits that the parties have settled their disputes amicably and have entered into a settlement agreement dated 12th February, 2024.

6. In view thereof, he wishes to withdraw the present petition. The petition is dismissed as withdrawn in view of settlement.

7. Parties and anyone acting on their behalf shall be bound by the settlement terms. All applications, if any, are also disposed of.

**PRATHIBA M. SINGH, J.**

**APRIL 5, 2024**

*mr/bh*