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

+ ARB. A. (COMM.) 3/2024
SMT MEENA CHAWLA

..... Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran
Khan, Advocates.

versus

SDREEN INDIA PRIVATE LIMITED

..... Respondent

Through: Mr. Narendra M. Sharma, Ms.
Shubhangi Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.01.2024**

I.A. 1569/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB. A. (COMM.) 3/2024 & I.A. 1570/2024 (condonation of delay)

1. The appellant, who is the claimant in arbitral proceedings between the parties arising out of a Registered Lease Deed dated 13.06.2019, assails an order dated 17.07.2023, passed by the learned arbitrator, declining an interim order of protection by grant of possession of the subject property [*"E-3, Ansal Villas, Satbari Village, New Delhi - 110074"*] to the appellant.

2. In the course of hearing, Mr. Shiv Charan Garg, learned counsel for the appellant, does not press this appeal, but submits that directions be given for expeditious conclusion of the arbitral proceedings.



3. Mr. Narendra M. Sharma, learned counsel for the respondent, who appears on advance notice, states that the cross-examination of the claimant's witnesses is on the verge of conclusion, and he will conclude the cross-examination in one sitting of two hours.

4. Mr. Garg states that the claimant has two further witnesses, being a formal witness from the office of the Sub Registrar, and the Local Commissioner appointed by an order of this Court dated 09.09.2022 in O.M.P. (I) (COMM.) 266/2022, if necessary. Learned counsel will seek the directions of the learned arbitrator in this regard, if necessary. The cross-examination of the remaining witness/witnesses of the claimant may be concluded in one further session of the arbitration proceedings.

5. Mr. Sharma states that the respondent will thereafter produce his two witnesses for cross-examination.

6. Learned counsel for the parties undertake that they will cooperate with the learned arbitrator for expeditious hearing and adjudication of the disputes. It is made clear that the learned arbitrator will consider imposition of costs for any unnecessary adjournments or dilatory tactics by either side.

7. Mr. Garg submits that the defences raised by the respondent in the arbitral proceedings are contrary to the statutory provisions with regard to leading of evidence under Section 91 and 92 of the Indian Evidence Act, 1872 and unsupported by material. That is not a matter for consideration of the Court at this stage, except to observe that the learned arbitrator has adequate power to impose such orders of costs as he may consider necessary upon the unsuccessful party after the conclusion of the arbitral proceedings.



8. The appeal, alongwith pending applications, stands disposed of.
9. Mr. Garg states that the appellant seeks enhancement in the amount of occupation charges being paid by the respondent under the order of this Court dated 09.09.2022, in view of the contractual stipulation for 15% enhancement every two years. He may make an application in this regard before the learned arbitrator, if not already made.

PRATEEK JALAN, J

JANUARY 22, 2024
“*Bhupi*”/