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

+ **ARB.P. 1463/2024**

BIRBAL GOSWAMI @ BALBIR GOSWAMIPetitioner
Through: Mr. S.N. Khanna and Mr. Advait
Arora, Advocates.

versus

UJWAL SRIVASTAV & ANR.Respondents
Through: Ms. Shefali Kishore and Ms. Shruti
Gupta, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.11.2024

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1. The Petitioner has approached this Court by filing the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
2. It is stated that Petitioner entered into an Agreement to Sell dated 04.05.2024 with the Respondents, agreeing to sell his property being Plot No.24, land measuring 250.839 metres i.e. 300 sq. yards, 3/58'' share of Mustail No.18, Killa No.10 and 3/96 share of Mustail No.17, Killa No.6, situated in the area of village Kamalpur Mazra, Abadi known as Harit Vihar, Burari, Delhi whereby the date of execution of the Sale Deed was fixed for 28.08.2024.
3. It is stated that on 25.07.2024, Petitioner got a call from Police Station regarding a fight at his property. It is stated that after reaching the property, Petitioner found that within a period of three months, Respondents have illegally taken possession of the Petitioner's property and raised an unauthorized construction over the aforementioned property without the



Sale Deed being executed.

4. Since, the Respondents failed to honour the commitments made in the Agreement to Sell dated 04.05.2024, the Petitioner vide notice dated 29.09.2024 invoked the Arbitration Clause. Clause 9 of the Agreement to Sell dated 04.05.2024 contains an Arbitration Clause.

5. During the course of hearing, respective Counsel for the parties jointly request that an independent Sole Arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, Ms. Varuna Bhandari Gugnani, Advocate (Mob. No.9810400605) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties.

7. 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.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within a week of entering on reference.

9. 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.

10. 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.

11. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

NOVEMBER 19, 2024

RJ