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

+ O.M.P.(I) (COMM.) 3/2025, I.A. 7-8/2025

1000 TREES HOUSING PRIVATE LIMITEDPetitioner

Through: Mr. Jayant Mehta, Senior Advocate
along with Mr. Vijay Nair, Mr.
Manoranjan Sharma, Mr. Deeptanshu
Jain, Ms. Himanshi Madan and Ms.
Jasleen Virk, Advocates.

versus

NAVEEN & ANR.Respondents

Through: Mr. Jatan Singh, Sr. Advocate along
with Mr. Arun Adlakha, Mr. Naman
Gupta, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
03.01.2025

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1. The issue which arises in this petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“**the Act**”) relates to collaboration agreement dated 13th September 2011 which was executed between the petitioner (*a real estate developer*) and the respondents (*who owned certain parcels of land on the project area*). The said agreement was subsequently supplemented by other agreements. The project was a residential project under the name and style of “*ATS Homekraft Sanctuary 105*” situated in Gurugram.

2. For undertaking the development of the project, the petitioner had



approached various land owners holding small parcels of land, with the intent to aggregate them into a larger tract of approximately 13 acres for constructing a residential housing project. As per the petitioners, the respondents hold 50 per cent of the undivided share in the aggregated land, measuring approximately 4.8 acres.

3. The cause of action arises from a legal notice dated 14th November 2024 issued by the respondents terminating the said agreement on facts and circumstances as stated in the said legal notice, essentially that the petitioners were not complying with the obligations in the agreement in the facts and circumstances stated in the said notice.

4. Response to the same was addressed on 26th November 2024, by the petitioner, which was duly received by respondents. Aside from specifically responding to the allegation in the legal notice, it was mentioned that to mitigate the situation and in the interest of all stakeholders, without prejudice to the rights and remedies of the petitioners, the petitioners were ready to have a dialogue on the aspect of allocation of the units and put the entire controversy to rest.

5. Mr. Jayant Mehta, Senior Counsel appears for petitioner and Mr. Jatan Singh, Senior Counsel appears for respondents. They state on instructions, that they are willing to refer the matter to arbitration before a sole arbitrator. It is agreed that the arbitration be conducted under the aegis of the Delhi International Arbitration Centre (“**DIAC**”).

6. The parties have agreed to appoint HMJ (Retd.) Rajiv Shankar Shakhder, former Judge of this Court as the sole arbitrator in this matter. The arbitration will be conducted in accordance with the rules of DIAC, including the remuneration, which is payable to the arbitrator.



7. Counsels for the parties state that prior to commencing of arbitration proceedings, they will make attempts to resolve the matter through mediation within a period of two weeks, failing which the process of arbitration shall commence.
8. Any urgent interim relief, if necessitated, by either party, may be taken up under the provisions of Section 17 of the Act, before the arbitrator.
9. Mr. Jayant Mehta, Senior Counsel for petitioner states that the RERA registration had been obtained on 28th August, 2024, listing the respondents as part of the promoters/license holders. Mr. Jatan Singh, Senior Counsel for respondents, however, refutes the same based on interpretation of the RERA conditions.
10. Mr. Jatan Singh, Senior Counsel for respondents, on instructions states, that they shall not be taking any precipitative action till either the matter is resolved in mediation or till the application filed by petitioner, if any, is disposed of by the arbitrator.
11. In the meantime, the petitioner shall make a disclosure of all the units that they are disposing of, in terms of an affidavit, which shall be placed before the arbitrator.
12. The parties will be at liberty to seek modification, variation or vacation of the orders passed by this Court before the arbitrator. All rights and contentions of the parties shall remain open.
13. Copy of the order be sent to HMJ (Retd.) Rajiv Shankar Shakhder, former Judge of this Court, for his information.
14. Senior Counsel for parties shall facilitate the conciliation proceedings *inter se* their instructing counsels, in order that an earnest attempt be made to resolve the issues, before arbitration is commenced.



15. Accordingly, petition is disposed of.
16. *Dasti.*
17. Order be uploaded on the website of this Court.

**ANISH DAYAL, J
(VACATION JUDGE)**

JANUARY 3, 2025/ak/na