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

+ **O.M.P. (T) (COMM.) 2/2025**

**PREMIER CHENNAI PROPERTIES**

**PRIVATE LIMITED**

.....Petitioner

Through: Ms. Bani Dikshit, Mr. Dhruva Vig  
and Mr. Uddhav Khanna, Advocates.

versus

**PACIFICA BUILDERS PRIVATE LIMITED** .....Respondent

Through: Mr. Arunabh Chowdhury, Senior  
Advocate with Mr. Anirudh Sharma,  
Mr. Sanjeev Kumar Sharma, Mr.  
Gaxgee Gaur and Ms. Jagriti  
Dekavadiya and Mr. Ritvik Bhanot,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**22.01.2025**

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1. By way of present petition filed under Section 15 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks substitution of Arbitral Tribunal comprising of a sole arbitrator, to adjudicate the disputes between the parties. It is submitted that the original sole arbitrator appointed by this Court vide order dated 29.05.2024 in ARB.P. 471/2024 has recused himself vide letter dated 07.12.2024.

2. Learned counsel for the petitioner submits that the parties had entered into a Joint Development Agreement (JDA) and several other supplementary agreements for construction of residential flats, commercial complex and amenities of land admeasuring 84 acres, 2 cents collectively owned by the



petitioner and the respondent, containing an arbitration clause 24.5 of the Fifth Amendment Agreement which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act and the seat and venue of the arbitration to be New Delhi.

3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 16.06.2022, issued under Section 21 of the A&C Act.

4. Learned counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the matter being referred to a fresh Arbitral Tribunal comprising of a Sole Arbitrator.

5. Considering that both the parties have consented to the reference to the Arbitral Tribunal, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the said agreements are referred to the Arbitral Tribunal.
- ii) Justice Amitava Roy, Former Judge, Supreme Court of India, (Mob: 8527087678) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties,



including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

- vi) The parties shall approach the learned arbitrator within two weeks from today.

**MANOJ KUMAR OHRI, J**

**JANUARY 22, 2025/rd**