



\$~12 to 15

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

+ O.M.P. (COMM) 99/2023 & I.A. 4685/2023, I.A. 40725/2024

M/S PGL ESTATECON PVT. LTD.

.....Petitioner

Through: Mr. Yasobant Das, Sr. Advocate with  
Mr. Dhananjay Bhaskar Ray,  
Advocate.

versus

M/S JYOTI ENTERPRISES

.....Respondent

Through: Mr. Bhupesh Narula, Ms. Rinku  
Narula, Mr. Anugrah Ekka and Mr.  
Kanishk Taneja, Advocates.

+ OMP (ENF.) (COMM.) 242/2022 & EX.APPL.(OS) 3830/2022

M/S JYOTI ENTERPRISES

.....Decree Holder

Through: Mr. Bhupesh Narula, Ms. Rinku  
Narula, Mr. Anugrah Ekka and Mr.  
Kanishk Taneja, Advocates.

versus

M/S FLOZEN ESTATE DEVELOPERS PVT LTD

.....Judgement Debtor

Through: Mr. Yasobant Das, Sr. Advocate with  
Mr. Dhananjay Bhaskar Ray,  
Advocate.

+ OMP (ENF.) (COMM.) 243/2022 & EX.APPL.(OS) 3832/2022

M/S JYOTI ENTERPRISES

.....Decree Holder

Through: Mr. Bhupesh Narula, Ms. Rinku  
Narula, Mr. Anugrah Ekka and Mr.  
Kanishk Taneja, Advocates.

versus



M/S PGL ESTETECON PVT LTD

.....Judgement Debtor

Through: Mr. Yasobant Das, Sr. Advocate with  
Mr. Dhananjay Bhaskar Ray,  
Advocate.

+ O.M.P. (COMM) 100/2023 & I.A. 4689/2023, I.A. 40726/2024

M/S FLOZEN ESTATES AND DEVELOPERS PVT. LTD.

.....Petitioner

Through: Mr. Yasobant Das, Sr. Advocate with  
Mr. Dhananjay Bhaskar Ray,  
Advocate.

versus

M/S JYOTI ENTERPRISES

.....Respondent

Through: Mr. Bhupesh Narula, Ms. Rinku  
Narula, Mr. Anugrah Ekka and Mr.  
Kanishk Taneja, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**04.02.2025**

%

1. Learned Counsel for the Respondent very fairly states that the appointment of the Arbitrator being unilateral in nature, is hit by the Judgment of the Apex Court in Central Organization for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Company, 2024 SCC OnLine SC 3219.
2. In view of the above, the Award dated 27.03.2022 in O.M.P. (COMM) 99/2023 and the Award dated 28.03.2022 in O.M.P. (COMM) 100/2023 passed by the learned Sole Arbitrator is set aside. Consequently, the enforcement petitions are also rendered infructuous.
3. It is open for the parties to take steps for appointment of an Arbitrator



in accordance with law.

4. The petitions are disposed of along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**FEBRUARY 4, 2025**

hsk