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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 29/2025, I.A. 2178/2025 and I.A. 2179/2025**

MR AKASH GARG

.....Petitioner

Through: Mr. Tanmaya Mehta, Mr. Hrithik
Sharma and Ms. Rashmi Gogoi,
Advocates.

versus

MR HARINDER PAL SINGH LAMBA & ORS.Respondents

Through: Mr. Vipul Wadhwa, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.01.2025

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1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*'), the petitioner seeks interim directions.
2. Learned counsel for the petitioner submits that Clause 5.2 of the Term Sheet dated 27.07.2024 stipulates resolution of disputes through arbitration and further provides for the place of arbitration to be at Delhi.
3. Learned counsels for the parties, on instructions, submit that the Arbitration Agreement not being denied, the disputes arising in the context of Term Sheet dated 27.07.2024, be adjudicated through arbitration and the present petition itself be treated as an application under Section 17 of the A&C Act.
4. In terms of the Term Sheet, the reference is to be made to an Arbitral Tribunal comprising of three members. While learned counsel for the petitioner has proposed the name of Ms. Justice Jaishree Thakur (former



Judge at Hight Court of Punjab & Haryana), learned counsel for the respondent has proposed the name of Mr. Justice Jayant Nath (former Judge at Hight Court of Punjab & Haryana).

5. Both the learned counsels jointly pray that the presiding Arbitrator in the Arbitral Tribunal be appointed by this Court. Accordingly, with the consent of learned counsels, Mr. Justice Vijender Jain (former Chief Justice at Punjab & Haryana High Court) (Mob No. 9711009541, 9782667359) is appointed as the presiding Arbitrator.

6. At this stage, learned counsel for the respondent submits that the respondent has filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the '*A&C Act*') bearing No. O.M.P.(I) (COMM.) 415/2024 which is coming up for consideration before this court on 06.02.2025. He submits that in view of the order passed today, the said petition be also disposed of and the statement made by the petitioner in the said proceedings recorded in para-5 of the order dated 04.12.2024 thereof be continued. Learned counsel for the petitioner, on instructions, submits that the petitioner would abide by his statement till the application under Section 17 is taken up for consideration by the Arbitral Tribunal. The parties shall be at liberty to seek continuation/modification/variation/recall of the above statement before the Arbitral Tribunal.

7. In view thereof, the present petition alongwith O.M.P.(I) (COMM.) 415/2024 is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) 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 Arbitrators shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.

iv) The learned Arbitrators shall furnish a declaration in terms of Section 12 of the 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 claims/counter-claims, 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 Arbitral Tribunal.

vi) The parties shall approach the learned Arbitrators within four weeks from today.

8. Consequently, the next date of hearing i.e. 06.02.2025 in O.M.P.(I) (COMM.) 415/2024 stands cancelled.

MANOJ KUMAR OHRI, J

JANUARY 28, 2025

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