



\$~64

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

+ **ARB.P. 213/2025**

SURESH BATHEJA

.....Petitioner

Through: Mr. N. K. Kantawala, Mr. Abhishek
Dutta and Mr. Amaya M. Nair,
Advocates.

versus

RAMESH CHAND BATHEJA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.01.2025

%

I.A. 2361/2025 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 213/2025

1. The Petitioner has approached this Court under Section 11 of the Arbitration & Conciliation Act for appointment of an Arbitrator for adjudicating the disputes which have arisen between the parties.
2. The facts as stated in the petition indicate that the Petitioner's father and the Respondent were partners conducting business under their partnership firms in the name and style of M/s Ghansham Plastic Works and M/s Hira Plastic Works.
3. It is stated that the father of the Petitioner passed away and his legal heirs, i.e., his sons become partners of the firm. It is stated that the firm had two properties one at Wazirpur and one at Shastri Nagar.
4. It is stated that disputes arose between the partners. Attempt was



made to settle the disputes and a compromise deed dated 21.12.2017 was entered into wherein it was decided that the parties agreed to divide the proceeds at 60:40, i.e., 60% goes to the legal representatives of the father of the Petitioner and 40% to the other surviving members of the other partner.

5. It is stated that the agreement is not being complied with in letter and spirit by the Respondent. The compromise deed contains arbitration clause. Though the arbitration clause indicates appointment of the named Arbitrator is of the both the parties yet the Petitioners has chosen to file the present petition.

6. The arbitration clause indicates that Mr. Arun Garg, Advocate, would be appointed as an Arbitrator. It is stated that a legal notice was issued on 08.08.2024 by the Petitioner calling upon for appointment of the arbitrator. There is nothing on record to indicate that the Petitioner has approached the Arbitrator for initiation of arbitration proceedings with a copy marked to the Respondent.

7. Confronted with this, learned Counsel for the Petitioner seeks permission to withdraw this petition to first approach the Arbitrator for initiation of the arbitration.

8. Liberty is granted to the Petitioner to file a fresh petition if the Arbitrator does not act or if the Respondent does not come forward for arbitration proceedings.

9. The petition is disposed of as withdrawn along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JANUARY 29, 2025

hsk