



\$~12

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **ARB.P. 356/2025**  
**HAVOVI ANKLESARIA**

.....Petitioner

Through: Ms. Madhavi Shukla, Adv.

versus

**CIG REALITY FUND**

.....Respondent

Through: None

**CORAM:**  
**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**  
**22.07.2025**

%

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The petitioner and the respondent entered into a Contribution Agreement dated 28.08.2006, wherein the petitioner contributed Rs. 50 lakhs to the reality fund of the respondent.
3. The agreement contained an arbitration clause being clause 16.7 which reads as under:-

***“16.7 Arbitration***

*(a) Any and all disputes or differences between the Parties arising out of or in connection with this Agreement or its performance shall, so far as it is possible, be settled amicably between the Parties.*

*(b) If after 30 days of consultation, the Parties have failed to reach an amicable settlement, any and all disputes or*



*differences arising out of or in connection with this Agreement or its performance shall be submitted to arbitration at the request of either Party upon written notice to that effect to the other Party, and such arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 and any modifications thereto.*

*(c) The language of the arbitration shall be English. The venue of the arbitration shall be New Delhi, India.*

4. The petitioner invoked arbitration vide legal notice dated 20.06.2024 and thereafter filed the present petition.
5. Since the respondent was not being served in the ordinary course, the petitioner was permitted to serve the respondent by substituted mode vide order dated 28.04.2025 by publication in the national daily newspapers, namely, the “Statesman” and “Rashtriya Sahara”, Gurugram Edition.
6. The respondent has been served and the copy of the newspaper has already been filed. Despite service, there is nobody appearing on behalf of the respondent.
7. I am satisfied that there are disputes between the parties which need to be resolved by the arbitration process.
8. For the said reasons, the petition is allowed and the following directions are issued:-
  - i) Mr. Varun Chopra (Advocate) (Mob. No. 9811851711) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
  - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher



Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').

- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
  - iv) The learned Arbitrator is requested to 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 claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
  - vi) The petitioner shall approach the learned Arbitrator within two weeks from today.
9. The present petition is disposed of in the aforesaid terms.

**JULY 22, 2025/ (MS)**

**JASMEET SINGH, J**