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

+ **ARB.P. 443/2025**

JAGWATI (SENIOR CITIZEN)

.....Petitioner

Through: Mr. Rakesh Kumar, Advocate with
Petitioner in person.

versus

M/S TDI INFRASTRUCTURE LTD

.....Respondent

Through: Mr. Kamal Rathee and Mr. Nishchint
Rawat, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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06.05.2025

1. This petition has been filed on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Disputes in the present petition relates to a Floor bearing No.BB-29/31, First Floor, TDI City, Kundli, Sonapat (Haryana). Petitioner claims that the floor under construction linked plan was allotted to Sh. Aman Gupta and Sh. Ankit Gupta which was later sold to Ms. Sunita Gupta and Sh. Rajender Kumar Gupta and they entered into a Buyer's Agreement with the Respondent. Both further assigned all their rights and obligations in favour of the Petitioner by selling the floor with an endorsement by the Respondent on 14.02.2013. However, till date, the possession has not been handed over to the Petitioner by the Respondent despite payment of sale consideration.



The Respondent is illegally demanding more money while there is none outstanding. Buyer's Agreement contains Clause 60 which is an arbitration clause providing that any dispute arising out of the Agreement will be adjudicated by a sole Arbitrator appointed by the Respondent.

3. Learned counsel for the Petitioner submits that despite invocation notice dated 26.12.2024 under Section 21 of the 1996 Act having been received by the Respondent, it has failed to appoint the Arbitrator and hence, this Court may appoint a sole Arbitrator and refer the dispute for adjudication.

4. Mr. Kamal Rathee, Advocate accepts notice on behalf of the Respondent and on instructions, submits that Respondent has no objection to appointment of a sole Arbitrator by this Court.

5. Accordingly, with the consent of the parties, Mr. Bhanu Kathpalia, Advocate (Mobile No.9599818818) is appointed as the sole Arbitrator to adjudicate the disputes between the parties. Fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 06, 2025/shivam