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

+ **O.M.P.(I) (COMM.) 118/2025**

DR. NAKUL MAKKAR

.....Petitioner

Through: Mr. Vaibhav Ghaggar, Senior Advocate with Mr. Vikas Nagwan, Mr. Karan Sharma and Ms. Malavika Chandramouli, Advocates.

versus

MR. DHEERAJ MAKKAR & ORS.

.....Respondents

Through: Mr. Deepak Dhingra and Mr. Aastik Dhingra, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

07.04.2025

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I.A. 8945/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition is preferred on behalf of the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking the following reliefs:

"A. Grant an injunction restraining the Respondents, their agents, or any persons acting on their behalf from alienating, encumbering, altering, selling, or disposing of the partnership's assets, including the agricultural land situated in Village Allah Baxpur, Tehsil Garhmukteshwar, District Hapur, Uttar Pradesh, without the prior written consent of the Applicant.

B. Pass an injunction restraining the Respondents from undertaking any



new financial commitments, transactions, or agreements concerning the partnership, including initiating loans or liabilities, without the Applicant's express written approval.

C. Direct the Respondents to refrain from making any changes to the operational or legal status of the partnership's assets or financial records without the Applicant's knowledge and consent.

D. Issue an injunction restraining the Respondents from interfering with or diminishing the Applicant's proprietary rights and interests in the partnership."

4. Issue notice.
5. Mr. Deepak Dhingra enters appearance on behalf of the Respondents on advance copy of the petition and accepts notice.
6. After canvassing some arguments, learned Senior Counsel for the Petitioner and learned counsel for the Respondents jointly submit that this petition be disposed of appointing a Sole Arbitrator to adjudicate the *inter se* disputes between the parties and this petition be treated as an application under Section 17 of the 1996 Act to expedite consideration of the interim relief sought by the Petitioner. It is proposed that Ms. Justice Rekha Palli, former Judge of this Court be appointed as a Sole Arbitrator.
7. Accordingly, with the consent of the parties and without entering into merits of the case, this petition is disposed of appointing Ms. Justice Rekha Palli, former Judge of this Court as a Sole Arbitrator to adjudicate the disputes between the parties. As suggested by the learned counsels, learned Arbitrator is requested to treat this petition as an application on behalf of the Petitioner under Section 17 of the 1996 Act and to make every endeavour to consider the same preferably within four weeks from the date of entering upon reference. With the consent of the parties, fee of the learned Arbitrator will be in consonance with Fourth Schedule of the 1996 Act.
8. Before entering upon the reference, the learned Sole Arbitrator will



give a disclosure under Section 12 of the 1996 Act.

9. All rights and contentions of the respective parties to the *lis* are left open to be decided by the learned Arbitrator.

10. Registry is directed to transmit the records of this petition to the learned Arbitrator within two weeks from today.

JYOTI SINGH, J

APRIL 7, 2025

B.S. Rohella/shivam