



\$~66

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

+ **O.M.P.(I) (COMM.) 125/2025**

MR NAVIN KOHLI

.....Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate
with Ms. Tasha Singh, Mr. Akshay Singh and Ms.
Ruchira, Advocates with Petitioner in person.

versus

FIITJEE LIMITED & ORS.

.....Respondents

Through: Mr. Raaj Malhotra, Mr. J. Karan
Malhotra, Mr. Ranjita Biswas and Mr. Shubra
Sharma, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **14.08.2025**

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

"a) Direct the Respondent to Deposit the arrears of rent up to the date of termination of the lease i.e. 22.02.2025, with this Hon'ble Court or in the alternative, pay the same to the Petitioner herein;

b) Direct the Respondent to Deposit the use and occupation charges and penalties for period commencing from the date of termination of the Lease i.e. on 22.02.2025 till the date of filing of the present petition i.e. 04.04.2025 which amounts to Rs. 89,44,216 with this Hon'ble Court or in the alternative, pay the same to the Petitioner herein;

c) Direct the Respondent to vacate and handover vacant and peaceful possession of the Leased Premises to the Petitioner;

d) Direct costs of this proceeding to be borne by the Respondent."

2. After canvassing some arguments, it is agreed between the parties that without prejudice to their rights and contentions, Respondents shall pay a



sum of Rs. 40 lakhs to the Petitioner today before the Court, by way of a cheque and the remaining disputes pertaining to termination of the lease between the parties as also arrears of rent etc. be left for decision by the Arbitrator. It is also agreed that this Court may appoint a sole Arbitrator since arbitration agreement incorporated in the Lease Deed dated 10.09.2015 is undisputed and in fact, Respondents have already sent an invocation notice to the Petitioner. Parties jointly propose and agree that Mr. Justice G.S. Sistani, former Judge of this Court be appointed as the sole Arbitrator.

3. Accordingly, this petition is disposed of appointing Mr. Justice G.S. Sistani, former Judge of this Court (Mobile No. 9871300034) as sole Arbitrator to adjudicate the disputes between the parties. Fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act.

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

5. With consent of the parties, learned Arbitrator is requested to treat this petition as an application under Section 17 of the 1996 Act and to take up the same for consideration as expeditiously as possible, after entering upon reference.

6. Respondents' counsel hands over a cheque in the sum of Rs.40 lacs dated 14.08.2025, drawn on ICICI Bank, Nehru Place Branch to the Petitioner, who is present in Court. Copy of the cheque is handed over and taken on record. It is assured by the Respondents that the cheque will be honoured on presentation. Needless to state that sum of Rs.40 lacs has been accepted by the Petitioner and given by the Respondents, without prejudice to their respective rights and contentions on merits of the case.



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. Digital record of this petition be transmitted by the Registry within a period of one week from today to the learned Arbitrator.

JYOTI SINGH, J

AUGUST 14, 2025/YA/RW