



\$~19

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

+ O.M.P.(I) (COMM.) 150/2025

M/S PACIFICA HOTELS INDIA PRIVATE LIMITED

.....Petitioner

Through: Mr. Rajesh Pandit Arya, Advocate.

versus

M/S K. P. INTERIORS

.....Respondent

Through: Mr. Sahil Mahajan, Mr. Rajneesh Sharma, Mr. Muneeb Ahmed Khan, Mr. Mohd. Osama and Mr. Abdul Ahad, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.07.2025

%

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

"a) directing the Respondent to renew the Bank Guarantee in favour of the Petitioner submitted by the Respondent for Rs.72,74,968/- (Rupees Seventy-Two Lakh Seventy Four Thousand Nine Hundred Sixty Eight Only) dated 16.01.2024 and further directing the Respondent to keep the Bank Guarantee valid and in force till the matter is finally decided by the Ld. Arbitrator;

b) securing the claim amount of Rs.1,50,00,000 by directing the respondent to furnish a bank guarantee for the said amount of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) and further directing the Respondent to keep the Bank Guarantee valid and in force till the matter is finally decided by the Ld. Arbitrator;

c) pass injunction against the respondent directing the respondent not to dispose of its properties nos. 1) Ground, 4, M N Estate, Near Lijat Papad Building, Miragaon Kasimira, Thane, Maharashtra-401107; 2) 116, Bhola Bhagwan Industrial Estate, I. B. Patel Road, Goregaon (East),



Mumbai-400063; and 3) bank account no. 009830110000026 maintained in Bank of India at branch Goregaon (East), Mumbai having IFSC No. BKID0000098;

d) direction be issued to the Respondent to disclose all his assets and properties, and appropriate orders regarding deposit of title deeds and freezing of its bank account, no. 009830110000026 maintained in Bank of India at branch Goregaon (East), Mumbai having IFSC No. BKID0000098 to the extent of claim of the Petitioner, be passed;

e) direct the respondent to deposit the GST amount of Rs. 32,65,363/- against the tax invoices raised in relation to the work order.”

2. Reply has been filed on behalf of the Respondent. Disputes between the parties relate to a Work Order dated 09.01.2024 for execution of interior works at its hotel property, ‘*Courtyard By Marriott*’, situated in Ahmedabad, Gujarat. Petitioner claims that Respondent has failed to comply with the technical specifications of carrying out the required work and used unapproved and sub-standard material not only causing unwarranted delays in completion of the interior work but also financial loss to the Petitioner. The allegations are strenuously disputed by counsel for the Respondent.

3. After canvassing some arguments, learned counsels for the parties, on instructions, submit that this Court may appoint a sole Arbitrator to adjudicate the disputes between the parties with a direction to the Arbitrator to treat this petition as an application for interim reliefs. Additionally, counsel for the Respondent submits that Respondent also seeks urgent interim measures and has filed a separate petition under Section 9 of the 1996 Act in this Court, however, the same has not been listed till date. It is urged that liberty be granted to the Respondent to file appropriate application before the Arbitrator to seek interim reliefs.

4. With the consent of the parties, Ms. Prem Lata Bansal, Senior Advocate (Mobile No. 9811558194) is appointed as sole Arbitrator to



adjudicate the disputes between the parties. Fee of the Arbitrator will be fixed as per Fourth Schedule of 1996 Act. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

5. Learned Arbitrator is requested to treat this petition as an application under Section 17 of 1996 Act and consider the same in accordance with law. Liberty is granted to the Respondent to file appropriate application before the Arbitrator for interim reliefs, if any.

6. Digital record of this petition shall be transmitted to the learned Arbitrator by the Registry within two weeks from today.

7. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open. It is open to the Respondent to file Counter Claim, if any, before the learned Arbitrator.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 30, 2025

S.Sharma/Shivam