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

+ O.M.P.(I) (COMM.) 181/2025 & I.A. 12690/2025

HV TEXT AND GARMENTS PVT. LTDPetitioner

Through: Mr. Arjun Sing Bawa, Mr. Arjun
Mukherjee and Mr Puneet, Advocates

versus

J ANDS EXPORTS (PARTNERSHIP FIRM) & ORS.

.....Respondents

Through: Mr. Raj Vardhan, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **27.05.2025**

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 ('Act of 1996') seeking following reliefs:

- i. Pass an ex-parte ad interim order or direction restraining the Respondents No. 1 - 5 or any other person acting on their behalf (including their agents, attorneys, legal representatives, nominees and assignees), from selling, alienating or creating any third party interest in the Commercial Property bearing No. 1, situated at Noida Special Economic Zone, District Gautam Budh Nagar, Uttar Pradesh, admeasuring 2118 square meters, till the time the disputes between the parties are adjudicated in arbitral proceedings.
- ii. Pass an ex-parte ad interim order or direction directing the Respondent No. 1 and/ or the Respondents No. 2-5 to deposit before this Hon'ble Court an amount of Rs. 56,44,600/- (Rupees Fifty-Six Lakhs Forty-Four Thousand and Six Hundred Only) due and payable to the Petitioner by the Respondents No. 1 - 5.
- iii. Pass an ex-parte ad interim in favour of the Petitioner and against the Respondent No.6, thereby restraining her from acting as an authorised Power of Attorney holder of Respondent No.2 under the Special Power of Attorney dated 23.04.2024 (*bearing Registration*



No. 2025/10/IV/116, in Book No. IV, Vol. No. 5144, Page No. 71-80, on 21.01.2025), to the extent of exercising the authority to sell, transfer, convey, alienate or create third party rights in the in the Commercial Property bearing No. 1, situated at Noida Special Economic Zone, District Gautam Budh Nagar, Uttar Pradesh, admeasuring 2118 square meters, till the time the disputes between the parties are adjudicated in arbitral proceedings

2. Issue Notice.
3. Mr. Raj Vardhan, counsel on behalf of Respondent no. 2 accepts notice and states that he has already filed his vakalatnama.
4. Learned counsel for Respondent no. 2 submits that Petitioner has suppressed the facts that Respondent has already made a payment of Rs. 26,40,000/- to the Petitioner herein.
 - 4.1 He states that there are other facts which the Respondent would like to place on record.
 - 4.2 He states that Respondent admits existence of arbitration agreement.
5. The parties jointly state that the parties can be referred to Arbitration for resolution of disputes and this petition can be heard and adjudicated by the Arbitral Tribunal as a petition under Section 17 of the Act of 1996.
6. Accordingly, with the consent of the parties herein, the parties are referred to arbitration, to be presided over by a Sole Arbitrator. This Court deems it appropriate to appoint Mr. Sanjoy Ghose, Sr. Advocate (M. No. 9811118889, D-397/1997(R), email: sanjoy.ghose72@gmail.com) as the Sole Arbitrator to adjudicate the disputes between the parties.
7. The disputes between the parties under the said agreement are referred to the Sole Arbitrator, with the following directions:
 - a) The arbitral proceedings will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road,



New Delhi ('DIAC'). The arbitral proceedings will be governed by the Rules of DIAC (except fees).

- b) The Sole Arbitrator is at liberty to fix his own fees in consultation with the parties.
 - c) The Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference and in the event, there is any impediment to the appointment of on that count, the parties are given liberty to file an appropriate application in this Court.
 - d) The parties are directed to appear before the learned Arbitrator for preliminary hearing on **02.06.2025 at 11:00 AM**. Due to the intervening vacations, the first hearing be held through video conferencing link.
 - e) The statement of claim will be filed within four (4) weeks, from today.
8. With the consent of the parties this Section 9 petition is converted into a Section 17 petition and parties are directed to appear before the Sole Arbitrator for hearing.
9. Learned counsel for the Respondent states that he shall file a reply to this Section 9 petition on or before 01.06.2025.
10. Until the final disposal of the Section 17 petition, Respondent is directed not to create any third-party interest in the subject property. However, the Sole Arbitrator will be at liberty to vary or modify or vacate the injunction order passed today.
11. The registry is directed to send a copy of this order to the Sole Arbitrator and the Organizing Secretary, DIAC.



12. With the aforesaid directions the petition stands disposed of.
13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 27, 2025/hp/AM

[Click here to check corrigendum, if any](#)