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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) 7/2025
KUSHAGRA NANDAN

.....Petitioner

Through: Ms. Priya Mulherkar, Sr. Advocate
with Mr.Rahul Ahuja and Mr.Aaryan Sharma,
Advocates
versus

SUNSOURCE ENERGY PRIVATE LIMITED & ANR.

.....Respondent

Through: Mr. Abhimanyu Bhandari, Sr.
Advocate with Ms.Pallavi Kumar, Ms.Aditi
Deshpande and Ms.Kavya Jha, Advocates for R-1

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+ O.M.P.(I) 8/2025
ADARSH DAS

.....Petitioner

Through: Mr. Jayant Mehta, Sr. Advocate with
Mr.Rahul Ahuja and Mr.Aaryan Sharma,
Advocates
versus

SUNSOURCE ENERGY PRIVATE LIMITED & ANR.

.....Respondent

Through: Mr. Abhimanyu Bhandari, Sr.
Advocate with Ms.Pallavi Kumar, Ms.Aditi
Deshpande and Ms.Kavya Jha, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
14.07.2025

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1. These are petitions filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking interim orders.
2. With consent of parties, the matter is referred to arbitration and it is directed that the present petitions will be treated as applications under Section 17 of the Arbitration and Conciliation Act, 1996 before the



arbitrator. The parties are at liberty to address arguments on the claims and counter-claims including interim orders sought in the present petition.

3. Additionally, vide order dated 29.05.2025, the respondent nos.1 and 2 were required to indicate the status of their assets.

4. Mr. Bhandari, learned senior counsel appearing for the respondents states on instructions that the affidavit of assets is available with him, but in view of some confidential information, he would like to place the same in a sealed cover before the Arbitrator.

5. For the said reasons, the petition(s) are allowed and the following directions are issued:-

- i) Justice Rajiv Shakdher (Retd. Chief Justice of High Court of Himachal Pradesh) (Mob. No. 9717495004) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims



and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

- vi) The claims, counter-claims including interims orders be passed, if any, shall be within the exclusive domain of the learned Arbitrator.
 - vii) The argument of Mr. Bhandari, learned senior counsel for the respondents that respondent no.2 is not a proper and necessary party to the arbitral dispute and should be deleted, will be decided by the learned Arbitrator.
 - viii) In addition, the respondent nos. 1 and 2 shall file the affidavit of assets before the Arbitrator in a sealed cover.
 - ix) The parties shall approach the learned Arbitrator within two weeks from today.
6. The Arbitrator shall endeavour to hear and decide the application under Section 17 of the Arbitration and Conciliation Act, 1996 expeditiously.
7. The present petition is disposed of in the aforesaid terms.

JULY 14, 2025/ (MS)

JASMEET SINGH, J