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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 168/2025**

NITIN M NAGPAL

.....Appellant

Through: Mr. Virendra Rawat, Mr. Rishabh
Sharma, Mr. Ankit Kumar and Ms.
Saakshi S. Rawat, Advocates.

versus

DLF UNIVERSAL LIMITED

.....Respondent

Through: Mr. B.B. Gupta, Sr. Advocate with
Ms. Ambika, Mr. Karan Sharma, Ms.
Liza Vohra, Mr. Achal Gupta, Mr.
Karan Jain, Ms. Mandeep Kaur and
Mr. Sudhanshu Arya, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **03.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 38304/2025 (for exemption)

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

FAO (COMM) 168/2025 & CM APPL. 38305/2025 (for stay)

3. The present appeal has been filed by the Appellant – Nitin M. Nagpal under Section 13(1A) of the Commercial Courts Act, 2015 read with Order XLIII Rule 1(a) and Section 104 and 151 of the Code of Civil Procedure, 1908, *inter alia*, assailing the order dated 21st May, 2025 passed in **OMP (COMM.) No. 09/2025** titled '**DLF Universal Limited v. Nitin M Nagpal**' (hereinafter, '*impugned order*') by Id. District Judge (Commercial Court)-02, North-West District, Rohini Courts.

4. *Vide* the impugned order, the Commercial Court has rejected the application filed by the Appellant challenging the pecuniary and territorial



jurisdiction of the said Court.

5. As per the Id. Counsel for the Appellant, in terms of the Arbitration and the Venue Clause, Civil Courts in New Delhi alone would have jurisdiction, which according to him would, therefore, mean the Commercial Courts at Patiala House courts. Id. Counsel further submits that he has no objection if the matter is transferred within the Rohini Courts to another commercial court.

6. Mr. B.B. Gupta, Id. Senior Counsel appearing for the Respondent submits that since the pecuniary value is less than 2 Crores and the Mall in question was located at Shalimar Bagh, hence, Rohini Courts had jurisdiction in this case. The Id. Senior Counsel challenges the maintainability of the present appeal under Section 13 (1A) of the Commercial Courts Act, 2015.

7. Id. Senior Counsel further submits that there are two petitions under Section 34 of the Arbitration and Conciliation Act, 1996, which are pending in the Commercial Courts in Rohini.

8. Heard. It is noticed that the Sole Arbitrator in this case was appointed *vide* order dated 1st March 2023 by the Id. Single Judge of this Court in ***ARB.P. 1465/2022 titled 'Nitin M Nagpal v. Dlf Universal Limited'***.

9. The Id. Sole Arbitrator, who is a Retired Judge of this Court had conducted the arbitration under the aegis of Delhi International Arbitration Centre. The award was rendered on 16th January, 2025. There is already an Execution petition pending on the Original side of this Court, seeking enforcement of the said Award.

10. The legal issues raised are one aspect but after hearing parties, it appears that the Appeal can be disposed of. Accordingly, with the consent of parties, in order for expeditious disposal and for quick resolution, it is directed



as under:

- a. The parties are willing to explore amicable resolution to attempt and resolve their disputes comprehensively. Accordingly, the parties are referred to the Delhi High Court Mediation and Conciliation Centre (hereinafter, '*DHCMCC*'). Let the parties appear before the DHCMCC on 9th July, 2025 at 03:00 PM. The Secretary of the DHCMCC shall nominate a Sr. Mediator in this matter, as the Appellant is also stated to be ill and substantial sums are also involved. The Registry is also directed to communicate a copy of this order to the Secretary, DHCMCC. The Appellant is permitted to join the proceedings virtually.
- b. Both the petitions under Section 34 of the Arbitration and Conciliation Act, 1996, being ***OMP (COMM.) No. 08/2025*** and ***OMP (COMM.) No. 09/2025*** which are pending before the Commercial Courts in Rohini, shall now be heard by one Commercial Court at Patiala House, New Delhi. The Id. Principal District Judge (hereinafter, '*PDJ*'), New Delhi district shall mark these matters to a single Commercial Judge in New Delhi District. The files of the two petitions *i.e.* ***OMP (COMM.) No. 08/2025*** and ***OMP (COMM.) No. 09/2025*** shall accordingly be transmitted to the PDJ, Patiala House Courts from the Rohini Courts for marking the same to the appropriate Judge. Let these matters be listed before the Patiala House Court on 8th August, 2025.
11. Id. Counsel for the Appellant fairly submits that he will not press the execution petition pending before this Court, till the mediation proceedings are underway.
12. Copy of this order be communicated to the Id. PDJ, Rohini Courts and



ld. PDJ, Patiala House Courts by the Registry.

13. Needless to add, this order is without prejudice to the rights and contentions of both the parties.

14. In view of the above, the present appeal is disposed of. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 3, 2025/nd/ck