



\$~109

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1180/2025 & CM APPL. 39755-39760/2025**
NARENDRA CHAWLA & ANR.

.....Petitioner

Through: Mr. Dharam Dev, Advocate.

versus

PURI CONSTRUCTION PVT LTD & ORS.

.....Respondent

Through: Mr. Pravin Bahadur, Mr. Saurav
Kumar, Mr. Eshan Banduni and Ms.
Kavya Uppal, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
19.08.2025

%

1. Petitioners herein (who are claimants before the learned Sole Arbitral Tribunal) are aggrieved by the manner in which the application moved by respondent Nos. 1 and 2 under Section 16 of Arbitration and Conciliation Act, 1996 has been allowed.
2. The learned Arbitral Tribunal was constituted *vide* order dated 12.04.2024 passed in CS No.457/2022 and pursuant to the abovesaid order, *Statement of Claim* was filed before the learned Arbitral Tribunal and respondent Nos. 1 and 2 also filed *Statement of Defence*.
3. During further proceeding before the learned Arbitral Tribunal, respondent Nos. 1 and 2 filed application under Section 16 of Arbitration and Conciliation Act, 1996 and *vide* impugned order dated 22.11.2024, learned Sole Arbitrator has allowed the abovesaid application by holding that respondent Nos. 3 and 4 could not have been made party to the Arbitration

CM(M) 1180/2025

1



proceedings.

4. A preliminary objection has been taken by learned counsel for respondents herein. He submits that in terms of Section 37 of Arbitration and Conciliation Act, the impugned order is amenable to appeal and, therefore, the petitioners could not have maintained a petition under Article 227 of Constitution of India.

5. During course of further arguments, learned counsel for the petitioners also acknowledged the abovesaid legal proposition and, without prejudice to his rights and contentions, seeks to withdraw the present petition with liberty to file appropriate appeal under Section 37 of Arbitration and Conciliation Act. He also supplements that he would, also, be filing a separate petition, challenging order dated 12.04.2024 whereby Arbitral Tribunal was constituted. The petitioners are always at liberty to take any such action, as they may be advised.

6. Fact, however, remains that in view of the above, the present petition is disposed of as withdrawn with liberty as prayed for.

7. All rights and contentions of the parties are reserved.

8. The pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 19, 2025/ss/js