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

+ **W.P.(C) 10363/2025 & CM APPL. 43041/2025**

ANTARA PURUKUL SENIOR LIVING LTD.Petitioner

Through: **Mr. Ajit Sharma, Mr. Akshat Sharma
and Mr. Yuvrajsinh C. Solanki, Advs.**

versus

IRONBELL INFRA PVT LTD.Respondent

Through: **Mr. Kamal Kant Jha, Mr. Avinash
Singh, Ms. Juni Mishra, Mr. Manas
Tiwari and Ms. Aakriti, Advs.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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14.08.2025

1. The present petition has been filed by the petitioner assailing an order dated 16.05.2025 passed by the learned sole arbitrator in the arbitration proceedings between the parties. By the said order, the learned sole arbitrator has denied the petitioner's request for appointment of an agency/Court commissioner for carrying out joint measurement of the concerned "door" (which is the subject matter of the said arbitration between the parties).
2. It is submitted that the respondents had earlier consented to joint measurement and even the name of the agency which was to conduct the said measurement had been also agreed upon. However, the measurement could not have taken place because of the controversy as regards the fee/charges payable to the concerned agency. Ultimately, the petitioner agreed to bear the requisite charges, however, thereafter the respondent sought to retract from its consent for joint measurement.
3. Learned counsel for the petitioner submits that the joint measurement



will enable the learned arbitrator to appreciate the actual factual position and the same will narrow the scope of controversy in the ongoing arbitral proceedings. It is submitted that the retraction of consent on the part of the respondent was not only belated but also with a view to ensure that the correct factual position does not come on record before the learned arbitrator.

4. It is submitted that the same is causing immense prejudice to the petitioner inasmuch as highly specious claims have been made by the respondent in the arbitral proceedings.

5. During the course of hearing, learned counsel for the respondent, who appears on advance notice, reiterates that the respondent is not desirous of any joint inspection.

6. This Court is constrained to observe that the conduct of the respondent, in first giving consent to the joint measurement and then seeking to withdraw the same is, *prima facie*, inedifying.

7. The direction of the learned sole arbitrator to direct joint measurement was salutary and would have been served a useful purpose in the adjudication of the *inter se* disputes between the parties.

8. The learned arbitrator has taken note of the retraction of the consent by the respondent in the impugned order dated 16.05.2025. It is in this backdrop that the present petition has been filed.

9. Given the extremely narrow limits of the jurisdiction of this Court under Article 226 of the Constitution of India *qua* arbitral proceedings, this Court is not inclined to interdict with the order/s passed by the learned arbitrator, or interfere with arbitral proceedings.¹

¹ ***Bhaven Constructions vs Executive Engineer, Sardar Sarovar Narmada Nigam Limited and Anr.***, (2022) 1 SCC 75; ***Sadbhav Engineering Ltd. vs Micro and Small Enterprises Facilitation Council and***



10. Needless to say, the arbitrator would take into account the conduct of the respondent at the time of issuance of final award.

11. At this stage, learned counsel for the petitioner submits that the petitioner be granted liberty to move an application under Section 26 of the Arbitration and Conciliation Act, 1996 (A&C Act) for appointment of an expert in the matter. Needless to say, the petitioner is at liberty to do so and/or take recourse to other provisions of the A&C Act, in accordance with law. In the event of such an application being moved by the petitioner, the same shall necessarily be considered by the learned sole arbitrator on its own merit.

12. The present petition stands disposed of in the above terms. The pending application also stands disposed of.

SACHIN DATTA, J

AUGUST 14, 2025/at, ys

Ors., 2025 SCC OnLine Del 319; *Surender Kumar Singhal and Ors. vs Arun Kumar Bhalotia and Ors.*, 2021 SCC OnLine Del 3708.