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

+ O.M.P. (COMM) 526/2019 & I.A. 18018/2019, I.A. 18020/2019

VINAY BHADARIA & ORS.Petitioners

Through: Mr. Naved Khan, Advocate

versus

INDIABULLS HOUSING FINANCE LTD.Respondent

Through: Mr. Rishabh Gupta, Mr. Mukesh Gupta, Mr. Devansh Dua, Mr. Prabhav Malik, Mr. Shivam Gupta, Ms. Vidhi Goel and Mr. Ojas Mittal, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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07.08.2025

1. The present petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 seeking setting aside of the arbitral award dated 6th June, 2019, passed by the Sole Arbitrator.
2. Counsel for the petitioner wishes to press the present petition solely on the ground that the appointment of the Sole Arbitrator was carried out unilaterally by the respondent, which is in violation of the law laid down by the Supreme Court in *Perkins Eastman Architects DPC & Anr. v. HSCC (India) Ltd.*, (Arbitration Application No.32 OF 2019, decided on 26th November, 2019).
3. Another ground raised in the present petition is that with regard to non-issuance of notice under Section 21 of the Arbitration and Conciliation Act, 1996 by the respondent to the petitioner. However, the counsel for the



petitioner does not wish to press the same.

4. Counsel appearing on behalf of the respondent submits that the respondent would have no objection if the impugned award is set aside solely on the ground of unilateral appointment of the Sole Arbitrator and a new Arbitrator is appointed by this Court to adjudicate upon the disputes between the parties. However, he prays that the proceedings be taken up from the stage of final arguments.

5. Counsel for the petitioner is agreeable to the aforesaid request.

6. In view of the aforesaid position, with the consent of the parties, the impugned award dated 6th June, 2019, is set aside and the disputes are referred for arbitration. The following directions are issued in this regard:

- a. Ms. Kamlakashi Singh Chauhan, Advocate (Mobile No.: 9873408273) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi.
- c. The pleadings as well as evidence recorded in the previous arbitration proceedings shall be considered by the Sole Arbitrator and the Sole Arbitrator shall proceed from the stage of final arguments in the case.
- d. The Arbitrator shall fix his fees in consultation with the petitioners and the respondent.
- e. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count,



the parties are given liberty to file an appropriate application before this Court.

f. The parties shall approach the Arbitrator within two (2) weeks from today.

7. It is made clear that all the rights and contentions of the parties, including preliminary objections with regard to limitation and/or arbitrability of any of the claims as well as claims/counter-claims of either of the parties on the merits of the dispute including the defence of the respondent that no amount is due and payable to the petitioner, are left open for adjudication by the Arbitrator.

8. The petition stands disposed of in the aforesaid terms.

9. All pending applications stand disposed of.

10. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

AUGUST 7, 2025
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