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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 403/2023 and I.A. 38839/2024

**AFFORDABLE INFRASTRUCTURE AND HOUSING PROJECTS
PRIVATE LIMITED**

.....Petitioner

Through: Mr. Sameer Jain, Mr. Himesh Thakur,
Mr. Vaibhav Mishra and Mr. Syed Fazl A.,
Advocates.

versus

M/S HAPPYEASYGO INDIA PVT LTD

.....Respondent

Through: Mr. A. Matiri, Ms. Radhika
Chandershekhar and Mr. Arnav Mudgal,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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03.07.2025

1. This petition is filed by the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking the following reliefs:-

"A. Direct the Respondent to furnish a monetary security in the sum of INR 6,92,26,516 (Indian Rupees Six Crore Ninety Two Lakh Twenty Six Thousand Five Hundred Sixteen) thereby securing the amount in dispute in the arbitration proceeding;

B. Direct the Respondent to secure the amount of dispute in arbitration between the Petitioner and Respondent until the award is passed in the arbitration by any other means;

C. Pass an ad-interim, ex-parte order restraining the Respondent, their agents, employees, associates, etc. from in any manner directly and/or indirectly, voluntarily and/or involuntarily, transferring, conveying, alienating, dealing with, creating third party rights and/or otherwise from transferring, disposing off, creating a charge on their assets/ property till the pendency of the present Petition.

D. Pass an order restraining the Respondent, their agents, employees, associates, etc. from in any manner directly and/or indirectly, voluntarily and/or involuntarily, transferring, conveying, alienating, dealing with, creating third party rights and/or otherwise from transferring, disposing



off, creating a charge on their assets/ property till the pendency of the passing of the award.”

2. By order dated 16.01.2024, Court had restrained the Respondent from disposing of any of its movable or immovable assets till the next date of hearing and the said interim order has continued till date. Concededly, no steps have been taken by the Petitioner to initiate arbitration during the pendency of this petition.
3. Be that as it may, at this stage, learned counsels for the respective parties, on instructions, submit that a Sole Arbitrator be appointed by the Court in this petition to adjudicate the *inter se* disputes between the parties.
4. Accordingly, with the consent of the parties, Mr. Justice Dharmesh Sharma, former Judge of this Court (Mobile No. 9910384689) is appointed as the sole Arbitrator to adjudicate the disputes between the parties. As agreed between the parties, arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre (‘DIAC’) and as per its Rules. Fee of the Arbitrator shall be as per fee schedule under DIAC (Administrative Cost & Arbitrators’ Fees) Rules 2018.
5. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.
6. It is directed that the Arbitrator shall treat the present petition as an application under Section 17 and decide the same in accordance with law. Interim order dated 16.01.2024 shall continue to operate, till further decision by the learned Arbitrator, who needless to state, will be at liberty to continue/modify/vary/vacate the interim order.
7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are



left open. Digital copy of the petition shall be sent to the learned Arbitrator by the Registry within two weeks from today.

8. Petition is disposed of along with pending application in the aforesaid terms.

JYOTI SINGH, J

JULY 03, 2025/YA