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

+ O.M.P. (COMM) 311/2025

DJT RETAILERS PRIVATE LIMITED

.....Petitioner

Through: Mr. Sanjeev Kumar, Mr. Abhishek Kisku, Mr. Anshul Sehgal and Mr. Pranshu Paul, Advocates.

versus

PACIFIC RETAIL CENTERS INDIA PRIVATE LIMITED

.....Respondent

Through: Mr. Manish Vashisht, Senior Advocate with Mr. Attin Shankar Rastogi, Mr. Adil Vasudeva, Ms. Saloni Kumar and Mr. Vedansh Vashisht, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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05.08.2025

I.A. 18859/2025 and 18860/2025

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

O.M.P. (COMM) 311/2025 and I.A. 18858/2025

3. This petition is filed on behalf of the Petitioner under Section 34(2)(b) of the Arbitration and Conciliation Act, 1996 ('1996 Act') laying a challenge to interim award passed by the learned Arbitrator on 07.07.2025 on an application filed by the Claimant/Respondent herein under Sections 17 and 31(6) of the 1996 Act.
4. Issue notice.
5. Mr. Attin Shankar Rastogi, learned counsel accepts notice on behalf of the Respondent.
6. Learned counsel for the Petitioner, at the outset, on instructions,



submits that insofar as the direction in the impugned interim award for vacation of the demised premises is concerned, Petitioner is in the process of vacating the premises, without prejudice to the rights and contentions in the pending proceedings. For the remaining issues, it is submitted that *albeit* a number of grounds have been raised in the present petition, at this stage, Petitioner will be satisfied if an observation is made that the findings rendered by the learned Arbitrator on the validity of termination as also on the question whether the Deed in question is a License Deed or a Lease Deed are only *prima facie*, subject to final determination at the stage of passing the final award.

7. Mr. Vashisht, learned Senior Counsel appearing on behalf of the Respondent submits that there is no legal infirmity in the impugned interim award as the same was passed on an application under Section 17 read with Section 31(6) of the 1996 Act and the directions issued are within the remit and power of the Arbitrator.

8. Without entering into the merits of the disputes which are subject matter of the arbitral proceedings as also the questions raised before this Court, this petition is disposed of holding that the observations made by the learned Arbitrator that Respondent has validly terminated the agreement and that the Deed in question by which the demised premises were let out, is a License Deed, will be treated as *prima facie* findings of the Arbitrator and it will be open to the parties to urge their respective contentions on these two issues in accordance with law, at the appropriate stage. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 5, 2025/shivam