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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 911/2023 I.A. 3514/2025 I.A. 3515/2025 I.A.**
3516/2025

TATA STEEL LIMITED

.....Plaintiff

Through: Mr. Sumit Bansal, Sr. Advocate along
with Mr. Arvind Thapliyal, Mr.
Siddharth Pandey, Mr. Udai Bir
Kochar, Mr. Aditya Bakshi, Mr.
Pushkar Khanna, Advocates.

versus

**MS VISTRAT REAL ESTATE PRIVATE LIMITED
& ORS.**

.....Defendant

Through: Ms. Ranjana Roy Gawai, Ms. Vasudha
Sen, Mr. Vineet Wadhwa, Mr. Prateek
Gupta, Advocates for D-1, 2 & 4.
Mr. Anubhav Singh, Mr. Aman Singh,
Mr. Nitin Kumar, Ms. Maria Mary,
Advocates for D-5.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
11.02.2025

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1. Applications under Section 8 of Arbitration & Conciliation Act, 1996 ('*A&C Act*') and Order VII Rule 11 of the Code of Civil Procedure, 1908 ('*CPC*') have been moved on behalf of defendant no.1.
2. However, at the very outset, a submission is made by *Mr. Sumit Bansal*, Senior Counsel for plaintiff that, without prejudice to their objection that the Arbitration Clause in the Lease Agreement does not cover the disputes that



arose in the Memorandum of Security Deposit, basis which the suit was filed for recovery of approximately *Rs.36.40 Crores plus interest*, they are agreeable to the matter being referred to the Arbitration by this Court under Section 89 of the CPC.

3. Counsel for defendant had already filed an application under Section 8 of the A&C Act and, therefore, *per se*, do not have objection that the disputes be referred to Arbitration.

4. Considering the above submission, the Court, therefore, without advertent to the merits of the application under Section 8 of the A&C Act, refers the matter to Arbitration in exercise of the powers of this Court under Section 89 of the CPC, based on the consensus arrived at between the parties. Needless to state, plaintiff shall not object to the arbitrability of the issue before the Arbitrator, considering the above.

5. In a connected matter being ***CS(COMM) 634/2024***, orders were passed on 10th February 2025, on similar lines, appointing *Mr. Justice Rajiv Shakdher (Retd.)*, *Former Chief Justice, High Court of Himachal Pradesh*, as the Sole Arbitrator. Considering that parties are the same, the said matter be also referred to Arbitration.

6. *Mr. Justice Rajiv Shakdher (Retd.)*, *Former Chief Justice, High Court of Himachal Pradesh* (Mobile No. 9717495004) is appointed as the Sole Arbitrator. The fee of the Sole Arbitrator shall be as per the *Fourth Schedule* of the A&C Act.

7. All issues *inter se* the parties, may be placed before the Arbitrator, in accordance with law.

8. In view of the directions passed under Section 89 of CPC, the Court fee be refunded to the plaintiff. The Registry is directed accordingly.



9. Petition is disposed of with all pending applications, if any.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 11, 2025/ak/tk