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

+ O.M.P.(I) (COMM.) 323/2025

M/S DESIGNERS POINT (INDIA) PRIVATE LIMITED & ANR.

.....Petitioners

Through: *Appearance not given.*

versus

SHRI VARENYDHISHAKT PRDHIESUBHAAG (ALIAS BABA SAHIB) & ORS.Respondents

Through: Ms. Gurmeet Bindra, Advocate for R-2 and 3

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.11.2025

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1. The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner with the following prayers:-

*“(i) Stay the effect and operation of the letter/notice dated 11.08.2025 received by the Petitioners from the counsel representing Respondent No.1 seeking to cancel the Agreement to Sell dated 19.08.2023 during the pendency of the present petition;
(ii) Pass an order restraining the Respondents, their assigns, representatives, heirs, agents, signatories or any other person claiming through or under them from in alienating, transferring, assigning, selling or in any manner creating any third-party rights over the subject property i.e. the property bearing No. D-38, Defence Colony, New Delhi- 110024 during the pendency of the present petition;*



(iii) Pass an order directing the Respondent No.1 to deposit the amount of Rs. 1,12,28,050 received by the Respondent No.1 (being amounts in addition to the earnest/advance money under the Agreement to Sell) along with interest before this Hon'ble Court during the pendency of the present petition;
(iv) Pass ad-interim ex-parte relief in terms of prayers above; and
(v) Order costs of the Petition to be borne by the Respondents, and
(vi) Pass any other such further Order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

2. This Court on 14.08.2025 had passed the Interim Order in the said petition which reads as under:-

“3. This petition is filed on behalf of the Petitioners under Section 9 of Arbitration and Conciliation Act, 1996 inter alia seeking a direction restraining the Respondents, their assigns, representatives, heirs, agents etc. or any other person claiming through or under them from alienating, transferring, assigning, selling or in any manner creating third party rights in property bearing No. D-38, Defence Colony, New Delhi ('subject property').

4. Learned Senior Counsel for the Petitioners, on instructions, submits that Petitioners do not press reliefs (i) and (iii) at this stage.

5. Issue notice.

6. Counsels, as above, accept notice on behalf of the respective Respondents.

7. Ms. Gurmeet Bindra, learned counsel submits that Respondents No. 2 and 3 do not have any objection to



the restraint order being passed against Respondent No. 1 and support the Petitioners.

8. Mr. Jacob Benny, learned counsel appearing for Respondent No. 1 on advance copy of the petition, on instructions, submits that Respondent No. 1 has no intent to alienate or sell the subject property and/or encumber it in any manner.

9. Assurance of Respondent No. 1 is taken on record. Needless to state that the assurance given to the Court will bind Respondent No. 1.

10. Replies be filed by the Respondents within three weeks.

11. Rejoinders thereto, if any, be filed by the Petitioners within two weeks thereafter.

12. Vakalatnama will be filed by counsel for Respondent No. 1 during the course of the day.

13. List on 28.11.2025.”

3. This Court appointed an Arbitrator in ARB.P. 2000/2025 filed by the Petitioners to adjudicate upon the disputes between the parties.

4. The Arbitrator is requested to consider the present petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 as one filed under Section 17 of the Arbitration and Conciliation Act, 1996 and decide the same in accordance with law, preferably within three months from entering the reference.

5. Learned Counsel for the Respondent No.1 states that the Order dated 14.08.2025 had been passed with his consent. He states that the consent was given without obtaining any instructions from the party and that the consent



may not be treated as having been given.

6. Be that as it may, in view of the above, this Court is inclined to pass the same order. It is also made clear that interim orders have been passed on a *prima facie* view, and it is open for the Arbitrator to take a decision on the merits of the case based on the contentions and materials placed before him.

7. It is made clear that this Court has not made any observations on the merits of the case.

8. With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 28, 2025

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