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

+ **ARB.P. 1275/2025, I.A. 20532/2025**

M/S AMD ESTATES AND DEVELOPERS PVT LTD.....Petitioner

Through: Mr. Sandeep Sethi, Mr. Rajshekhar Rao, Mr. Anurag Ahluwalia, Sr. Advs. with Mr. Ravi Kapoor, Mr. Akshit Mago, Ms. Shreya Kunwar, Advs.

versus

M/S VSR INFRATECH PVT LTD & ORS.Respondents

Through: Mr. Amit Sibal, Sr. Adv. with Ms. Karuna Sharma, Mr. Ankit Tripathi, Mr. Sandeep Phogat, Mr. Gaurav Jain. Mr. Atul Malhotra, Advs. Mr. Hitesh Sachar, Ms. Anju Jain, Mr. Dev Inder Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

02.09.2025

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1. This is a petition filed under section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the Collaboration Agreement dated 26.04.2011 between the petitioner and respondent No. 1.
2. The arbitration clause is Clause 9 of the Collaboration Agreement which reads as under:

“9. Dispute Resolution & Jurisdiction

9.1 That the Delhi High Court at New Delhi, and Courts in New



Delhi subordinate to it alone shall have jurisdiction in all matters arising out of touching and/or concerning this transaction.

9.2 All or any dispute arising out of or touching upon or in relation to the terms of this Agreement including the interpretation and validity thereof, and the respective rights and obligations of the parties, shall be settled through under the provisions of Arbitration and Conciliation Act, 1996 wherein both the parties shall be entitled to appoint one Arbitrator each and the Arbitrators so appoint shall appoint a third Arbitrator or rank of Retired Judge of Hon'ble Supreme Court of India. The arbitration proceedings shall be governed by the provisions of Arbitration and Conciliation Act, 1996 or any statutory amendments/modifications thereto for the time being in force. The arbitration proceedings shall be held at Delhi."

3. The parties have already invoked arbitration and both the petitioner and respondent No. 1 have appointed their Nominee Arbitrators. However, it is requested by the learned senior counsels for the parties that the Presiding Arbitrator be appointed by this Court.
4. For the said reasons, the disputes arising out of the Collaboration Agreement dated 26.04.2011 between the petitioner and respondent No. 1 are referred to the arbitration proceedings.
5. With consent of parties, Mr. Justice Sanjay Kishan Kaul (Former Judge, Supreme Court of India) (Mob. No.: 9818000370) is appointed as the Presiding Arbitrator.
6. With consent of parties, it is decided that the Arbitral Tribunal is free to fix their own fees.



7. The Arbitral Tribunal is requested to furnish a declaration in terms of Section 12 of the Arbitration and Conciliation Act, 1996 prior to entering into the reference.
8. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the Arbitral Tribunal.
9. The parties shall approach the Arbitral Tribunal within two weeks from today.
10. The petitioner shall be entitled to move an application impleading respondent Nos. 2 and 3 as parties to the arbitration proceedings which shall be adjudicated by the Arbitral Tribunal in accordance with law.
11. With these directions, the petition is disposed of.

JASMEET SINGH, J

SEPTEMBER 2, 2025/DM