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

+ ARB.P. 1500/2024

INDIABULLS COMMERCIAL CREDIT LTDPetitioner

Through: Mr. Anirudh Bakhru, Mr. Ankit Banati, Mr. Aditi Nair and Mr. Naman Gowda, Advocates.

versus

AMBIENCE PRIVATE LTDRespondent

Through: Mr. P.K. Agrawal, Mr. V. AnushRaajan, Mr. Akshay Chitkara, Ms. Sanjoli Gupta, Mr. Rishabh Tomar and Mr. Darpan Jain, Advocates.

+ ARB.P. 1503/2024, IA 47991/2024

SAMMAAN CAPITAL LIMITEDPetitioner

Through: Mr. Kartik Nayar, Mr. Ankit Banati, Mr. Adith Nair and Mr. Naman Gowda, Advocates.

versus

SARA ESTATES PRIVATE LIMITED & ANRRespondents

Through: Mr. P.K. Agrawal, Mr. V. AnushRaajan, Mr. Akshay Chitkara, Ms. Sanjoli Gupta, Mr. Rishabh Tomar and Mr. Darpan Jain, Advocates.

+ ARB.P. 1999/2024

SAMMAAN CAPITAL LIMITEDPetitioner

Through: Mr. Rajiv Nayar, Senior Advocate with Mr. Kartik Nayar, Ms. Manjira Das Gupta and Mr. Kashish Bansal, Advocates.

versus

SURABHI GEHLOTRespondent

Through: Mr. P.K. Agrawal, Mr. V. AnushRaajan, Mr. Akshay Chitkara, Ms. Sanjoli Gupta, Mr.



Rishabh Tomar and Mr. Darpan
Jain, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.02.2025

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1. By way of present petitions filed under Section 11(5)& (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of an Arbitrator to adjudicate the disputes between the parties with respect to Agreements to Sell dated 18.11.2022 and 04.10.2021 respectively, wherein Clause 27 and Clause 18 and of the said agreements provides for reference to arbitration for resolution of disputes, to be governed by the A&C Act and further stipulates New Delhi as the seat of arbitration.

2. Learned counsel for the petitioners submits that the petitioners invoked the arbitration clause under the aforesaid Agreements by issuing notices under Section 21 of the A&C Act, dated 20.04.2024, 28.03.2024 and 01.08.2024, respectively.

3. Learned counsel appearing for the respondents, on instructions, submits that the respondents have no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

4. Considering that both the parties have consented to the reference to the Arbitral Tribunal, the present petition is disposed of with the following directions: -

- i) The disputes between the parties under the subject Agreements in all the above-mentioned petitions are referred to the Arbitral Tribunal.
- ii) Mr. Justice Krishna Murari, former Judge of the Supreme Court of India, (Mob: 9415308516) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.



- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, novation of the agreements, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrators within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2025/rd