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

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ARB.A. 5/2025

**MS IMPERIA HEIGHTS PRIVATE LTD & ANR.**

.....Appellants

Through: Mr. A.K. Singla, Sr. Adv. with Mr.  
Pankaj Gupta, Mr. Tushar Sharma,  
Mr. Sachin Jain, Mr. Ram Pawar,  
Adv.

versus

**BVM ENGINEERING INDUSTRIES PRIVATE LIMITED**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**13.10.2025**

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1. This is an appeal filed under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996 seeking to challenge the interim Order dated 24.06.2025 passed by the Sole Arbitrator in Case No. DIAC 9857/12-24, wherein directions issued are as under:

*“i. The Respondent no. I is directed to file before this Tribunal an affidavit jointly sworn by its Directors within 15 days of this order, setting out, details of balance work, a detailed workflow schedule, the projected timeline for completion of the project and the expected timeframe for obtaining the occupation/completion certificate (OC/CC);*  
*ii. The Respondent no. I is further directed to resume the redevelopment and construction work at site i.e. A-20, Mohan Cooperative Industrial Estate, Mathura Road, New*



- Delhi] 10044, within 30 days of this order, strictly in terms of the principal collaboration agreement and subsequent supplementary agreements, including agreement dt.26.05.2022;*
- iii. This order shall remain subject to the final adjudication of the claims on merits; the parties may approach the Tribunal for further directions in the event of any change in circumstances.”*
2. Mr. Singhla, learned senior counsel for the appellants, states that there is no objection as regard to direction No. (i). As regards direction No. (ii), learned senior counsel on instructions states that appellant No. 1 is carrying out re-development and re-construction at site, i.e. A-20, Mohan Cooperative Industrial Estate, Mathura Road, New Delhi-110044, already, in terms of the principal Collaboration Agreement and the Supplementary Agreements, including Agreement dated 26.05.2022. Hence, no further direction needs to be passed.
  3. However, the only direction herein which is required to be passed is with regards to the penalty clause contained in the said Collaboration Agreement and Supplementary Agreement dated 26.05.2022. The same shall be adjudicated by the Arbitrator at the final stage in accordance with law, as the said prayer can only be adjudicated after parties have led this evidence and addressed the final arguments.
  4. With these directions, the appeal is disposed of.

**JASMEET SINGH, J**

**OCTOBER 13, 2025/sp**