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

+ **ARB.P. 1770/2024**

**GARUDA MAVERICK INFRASTRUCTURE PROJECTS PVT
LTD**Petitioner

Through: Mr. Rajat Wadhwa, Mr. Diwakar Singh,
Mr. Amulya Dhingra, Mr. Gulpreet Singh and Ms.
Anisha Rastogi, Advocates

versus

SAMMAAN CAPITAL LTDRespondent

Through: Mr. Rajiv Nayar, Senior Advocate
with Mr. Ankit B. and Mr. Naman Gowda,
Advocates for respondent No.1.
Mr. Anirudh Bakhru, Mr. Daksh
Arora and Mr. Abhay A., Advocates for respondent
No.2

+ **O.M.P.(I) (COMM.) 384/2024 and I.A. 44602/2024**

**GARUDA MAVERICK INFRASTRUCTURE PROJECTS PVT
LTD**Petitioner

Through: Mr. Rajat Wadhwa, Mr. Diwakar Singh,
Mr. Amulya Dhingra, Mr. Gulpreet Singh and Ms.
Anisha Rastogi, Advocates

versus

**SAMMAN CAPITAL LTD FORMERLY KNOWN AS INDIA
BULLS HOUSING FINANCE LIMITED**Respondent

Through: Mr. Rajiv Nayar, Senior Advocate
with Mr. Ankit B. and Mr. Naman Gowda,
Advocates for respondent No.1.
Mr. Anirudh Bakhru, Mr. Daksh



Arora and Mr.Abhay A., Advocates for respondent
No.2

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **10.03.2025**

ARB.P. 1770/2024

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into two Loan Agreement dated 19.01.2018 and Loan Agreement dated 05.07.2022, Clause 22 whereof provides that disputes arising between the parties with respect to the subject Agreements shall be resolved by reference to arbitration to be governed in accordance with provisions of the A&C Act. It further stipulates the place of arbitration to be New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 02.08.2024 issued to the respondent under Section 21 of the A&C Act.
4. Learned Senior Counsel for the respondent submits that the respondent does not dispute the subject Loan Agreements. He further submits that, without prejudice to his rights and contentions, the respondent has no objection to the reference of the present dispute to arbitration, subject to its objection regarding maintainability to remain open to be urged before the Arbitral Tribunal so constituted.



5. Learned counsels for the parties, on instructions, jointly pray that that the accompanying petition, i.e., O.M.P.(I) (COMM.) 384/2024 filed under Section 9 of the A&C Act be treated as an application under Section 17 of the Act, to be considered by the Arbitral Tribunal so constituted.

6. In view thereof, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the subject agreements are referred to the Arbitral Tribunal. The accompanying petition being O.M.P.(I) (COMM.) 384/2024 filed under Section 9 of the A&C Act be treated as one under Section 17 of the A & C Act.
- ii) Mr. Justice Deepak Verma, former Judge of the Supreme Court of India (Mob.No. 9717393521) 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 A&C 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, 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. Needless to state that the



Arbitral Tribunal is competent to rule on its own jurisdiction in light of the Competence-Competence doctrine read with Section 16 of the A&C Act and accordingly, the respondent would be at liberty to raise the question of maintainability before the Arbitral Tribunal.

- vi) The parties shall approach the learned Arbitrator within two weeks from today.

O.M.P.(I) (COMM.) 384/2024

1. In view of the order passed in ARB.P. 1770/2024, and considering the fact that the dispute between the parties stands referred to the learned Sole Arbitrator, let the present petition itself be treated as an application under Section 17 of the A&C Act and decided accordingly by the learned Arbitral Tribunal so constituted.
2. The petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MARCH 10, 2025

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