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

+ **ARB.P. 1823/2024**

WHITE STUDIO ARCHITECTSPetitioner

Through: Mr. Amit Bhagat, Adv.

versus

KS PROPMART PRIVATE LIMITEDRespondent

Through: Mr. Jagdeep Yadav, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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03.02.2025

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') seeking appointment of an Arbitration arising out of the contract dated 25th September 2018 executed between petitioner and respondent. The arbitration clause is contained in Clause 18 of the contract. Since there were disputes, petitioner invoked arbitration on 14th September 2024.
2. Pursuant to the previous order, counsel appears for respondent and states that the execution of the contract for architectural works, was actually done by VSR Infratech Pvt. Ltd and the communication between petitioner relating to the contract, was with VSR Infratech Pvt. Ltd.
3. Counsel for petitioner, however, points out that the work order dated 25th September 2018 under which the disputes arose, has been signed by KS Propmart Private Limited. There is nothing on record to state that there is an agreement by which the said contract was novated to VSR Infratech.



4. Further, there is another amended contract dated 10th November 2022, which was also signed by KS Propmart Pvt. Ltd.
5. All aspects in relation to another party being part of the contract, can be raised before the Arbitrator.
6. Accordingly, Sole Arbitrator is appointed.
7. Issue notice.
8. Counsel for respondent accepts notice on behalf of respondent and states that he has no objection to the petition being allowed. However, he states that all objections, including maintainability of the claims, should be left open.
9. For the said reasons, the petition is allowed. Since the parties are still having disputes between them, the following directions are issued:
 - i) Ms. Preety Makkar, Advocate (Mob. No. 9999131167) (preety.legal@gmail.com) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi ('**DIAC**'). The remuneration of the Arbitrator shall be in terms of the Rules of the DIAC.
 - iii) The Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the A&C Act prior to entering the reference.
 - iv) It is made clear that all the rights and contentions of the parties, including the arbitrability/maintainability of any of the claim, any other preliminary objection, as well as



claims on merits of the dispute by either of the parties are left open for adjudication by the Sole Arbitrator.

v) The parties shall approach the Sole Arbitrator within two weeks from today.

10. The petition is disposed of.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 3, 2025/MK