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

+ **ARB.P. 1896/2024**

**M/S COLLIERS INTERNATIONAL (INDIA) PROPERTY
SERVICES PVT. LTD.Petitioner**

Through: **Mr. Rizwan, Ms. Sachi Chopra and
Mr. Samarth Sharma, Advs.**

versus

**M/S COUNTRYWIDE PROMOTERS
PRIVATE LTD.Respondent**

Through: **Mr. Kaushik Poddar, Mr. Aditya
Samaddar and Mr. Akash Dalai,
Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 16.07.2025

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, ('A&C Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes that have arisen between the parties.
2. It is stated that the disputes emanate from a Work Order dated 24.11.2022 issued by the Respondent in favour of the Petitioner for design and construction of a Sales Gallery at Sector 81, Parklands, Faridabad, Haryana.
3. The arbitration clause is contained in Clause V of the said work order providing for resolution of disputes through arbitration by a Sole Arbitrator, with the seat of arbitration at New Delhi.
4. It is stated that the Petitioner is a Private limited company working in



the name of M/s Colliers International (India) Property Services Pvt. Ltd engaged in the business of providing Construction Service, Project Management & Consultancy Services.

5. It is stated that the Respondent is a Private limited company engaged in the business of buying, selling, renting or operating owned or leased real estate.

6. It is stated that the disputes arose between the parties due to, inter alia, delay in release of mobilisation advance; delay in approval of designs and drawings; arbitrary delay in processing and clearing RA Bills; wrongful abandonment of the Work Order by the Respondent without invoking Clause MM; and failure to compensate the Petitioner for extended period staff deployment and loss of profit.

7. It stated that the Petitioner served a legal notice dated 19.06.2024 upon the Respondent, demanding release of its pending dues. Upon failure to receive any constructive response, the Petitioner invoked the Arbitration Clause vide notice dated 08.07.2024 under Section 21 of the A&C Act.

8. It is stated that the Respondent, vide replies dated 17.07.2024 and 18.07.2024, rejected the claims of the Petitioner and refused to accede to the invocation of arbitration.

9. In light of the foregoing fact, the Petitioner approached this Court for the appointment of a Sole Arbitrator under Section 21 of the A&C Act.

10. Learned counsel for the Respondent states that Respondent has no objection to the reference to arbitration. He states however Respondent disputes the averments made in this petition on the merits of the dispute.

11. Learned counsel for the parties submit that an Advocate be appointed as a Sole Arbitrator and the arbitration be referred to be conducted under the



aegis of Delhi International Arbitration Centre ('DIAC').

12. The Court has perused the record.

13. The parties were referred to mediation, however, the mediation talks have failed.

14. A perusal of the Clause V of the Work Order shows that there exists a valid arbitration agreement between the parties and the said clause has been duly invoked by the Petitioner vide notice dated 08.07.2024

15. The value of the claim is Rs. 58 lakhs approximately, therefore, it is deemed appropriate to appoint an Advocate as a Sole Arbitrator. It is directed that the Arbitration will be conducted under the aegis of Delhi International Arbitration Centre ('DIAC').

16. In view of the above, the disputes between the parties under the said agreement are referred to a sole Arbitrator with the following directions:

- (i) Ms. Kanika Agnihotri, Advocate [Enrl. No. – D/932/2002, Mobile No. 9810980027, e-mail ID: kanika@kanikaagnihotri.com] is appointed as Sole Arbitrator.
- (ii) The arbitration will be held under the aegis and as per the rules of the DIAC. The remuneration of the learned Sole Arbitrator shall be in terms of Schedule IV of the Act of 1996 as amended by the DIAC rules.
- (iii) The learned Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.
- (iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims/counter-claims, any other preliminary objection, as well as claims/counter claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

17. Learned counsel for the Petitioner states that the statement of claim will be duly filed within four (4) weeks.



18. List for preliminary hearing to be presided over by the learned sole Arbitrator on **03.09.2025 at 10:30 AM at DIAC.**
19. Since the date has been fixed in the presence of the parties, no fresh notice is required to be issued by DIAC to the parties.
20. It is clarified that nothing recorded in this order is an expression of an opinion on the averments made in the petition.
21. With the aforesaid direction, the petition stands disposed of.
22. The registry is directed to send a copy of this order to Secretary, DIAC for information and compliance and the learned Sole Arbitrator.
23. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JULY 16, 2025/mt/akp