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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB. A. (COMM.) 69/2024 & I.A. 49289/2024, I.A. 49290/2024,**
I.A. 49291/2024
GUPTA BROTHERS AND ORSPetitioners
Through: Ms. Shagun Shahi Chugh, Adv.; Mr.
Varun Chugh, Adv.; Ms. Kavya Roy Choudhury,
Adv.
versus
UGRO CAPITAL LIMITEDRespondent
Through: Ms. Shweta Kapoor, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
10.09.2025

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1. This is a petition filed under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996 ("**1996 Act**") seeking to challenge the order dated 15.10.2024 passed by the Arbitral Tribunal on an application under Section 17 of the 1996 Act filed by the respondent, wherein the petitioner was directed to handover peaceful possession of the assets, as described in the impugned order, to the respondent.
2. Ms. Chugh, learned counsel for the petitioners states that in the present case, the Arbitral Tribunal was unilaterally appointed by the respondent and as such, the arbitration proceedings are without any authority of law and *non-est*. She further states that the directions contained in the impugned order dated 15.10.2024 tantamounts to granting final relief to the respondent, at the stage of interim relief, which are beyond the parameters of Section 17 of the 1996 Act.
3. Ms. Kapoor, learned counsel for the respondent, on instructions, states that she has no objection to the re-constituted of the Arbitral Tribunal



and that the proceedings may recommence *de novo*.

4. The same is acceptable to the learned counsel for the petitioners.
5. In view of the above and with consent of the parties, the petition is allowed and the following directions are issued:-
 - i) Mr. Swastik Singh, (Advocate) (Mob. No. 9717419767) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the 1996 Act prior to entering into the reference.
 - v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned Arbitrator.
 - vi) The parties shall approach the learned Arbitrator within two weeks from today.
 - vii) The learned Arbitrator shall commence the proceedings *de novo*.



6. Needless to say, that the impugned order dated 15.10.2024 is set aside.
7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 10, 2025 / (MS)