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

+ **ARB.P. 2131/2024**

INDUS TOWERS LIMITEDPetitioner

Through: Mr. Ankit Kumar, Advocate.

versus

**MS TARUN GOYAL AND SONA HUF THR ITS KARTA MR
TARUN GOYAL**Respondent

Through: Mr. Ankur Singhal, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

13.05.2025

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I.A. 49491/2024

1. This is an application filed on behalf of the Petitioner seeking condonation of delay of 33 days in refiling the petition.
2. For the reasons stated in the application, the same is allowed condoning the delay of 33 days in refiling the petition.
3. Application stands disposed of.

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4. This petition is filed on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
5. As per the averments in the petition, Respondent entered into a Licence Deed dated 29.11.2005 with Hutchison Essar Mobile Services Limited for 10 years for erection and installation of mobile tower on the



subject premises. Subsequently, on 27.11.2014, Petitioner entered into a new Lease Deed dated 27.11.2014 with the Respondent for five years and permission to run the mobile tower on the roof top of the premises was granted to the Petitioner. The Lease Deed was further renewed for ten years. However, on account of some circumstances, Petitioner vide letter dated 25.04.2022 terminated the Licence Deed and served three months' notice on the Respondent. This led to disputes between the parties as Respondent claimed money from the Petitioner and prevented the Petitioner from removing the tower and on 09.01.2023, Petitioner invoked the Arbitration Clause 10.6, incorporated in the Licence Deed dated 27.11.2014, however, Respondent failed to appoint the Arbitrator and hence, this petition was filed.

6. Learned counsel for the Respondent, on instructions, submits that Respondent has no objection to appointment of a Sole Arbitrator by this Court but all rights and contentions of the Respondent on merits, be left open.

7. Accordingly, with the consent of the parties, Co-ordinator, Delhi International Arbitration Centre (DIAC) is requested to appoint a Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be fixed as per DIAC (Arbitration Proceedings) Rules 2018.

8. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

9. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are



left open.

10. Petition is disposed of in the aforesaid terms.

MAY 13, 2025/shivam

JYOTI SINGH, J