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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 440/2024 & I.A. 49699/2024 I.A. 49700/2024
I.A. 49701/2024
ASPIRE CITY LLPPetitioner

Through: Mr. Ashish Mohan Sr. Adv with Mr.
Sumeher Bajaj, Mr. Aveak Ganguly
& Mr. Samarth Chowdhary,
Advocates

versus

YPS DEVELOPERS PRIVATE LIMITED AND ORSRespondent
Through: None

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **02.04.2025**

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [‘the Act of 1996’] seeking following reliefs:

“(a) Pass an interim order of protection against the Respondents from creating any third-party rights, title or interest, either directly or through any persons acting under it such as their agents, representatives, nominees, assigns etc. over the Subject Land in order to preserve the status quo of the Subject Land, i.e., the entire plot of land admeasuring approximately 42,400 sq. mts. consisting of Khasra No.(s) 729, 738, 739 and 750 at Village Sadarpur, District Ghaziabad, Uttar Pradesh — 201 002, which is the subject matter of the arbitration between the parties for disputes arising out of the registered Memorandum of Understanding dated 09.05.2024, pending disposal of the arbitration proceedings; and/or
(b) Pass an interim order of protection for preserving the rights of the Petitioner under the registered Memorandum of Understanding dated



09.05.2024 by restraining the Respondent No. 1, 2 & 3 either directly or through any persons acting under it such as their agents, representatives, nominees, assigns etc. from interfering with the Petitioner's peaceful and vacant physical possession over the Subject Land or act contrary to the terms of the registered Memorandum of Understanding dated 09.05.2024 in any manner whatsoever, pending disposal of the arbitration proceedings; and/or

(c) Grant ex-parte ad-interim relief in terms of prayer (a) and (b) pending disposal of the present petition; and/or”

2. Notice in this petition was issued on 27.12.2024. At the hearing dated 07.01.2025, it was recorded that the Respondents have been duly served at their official email addresses available in their master data on the website of Ministry of Corporate Affairs (‘MCA’).

3. However, none appeared for the Respondents despite service and in these facts, this Court had therefore granted an ad-interim injunction on 07.01.2025, which reads as under:

“8. In the facts noted hereinabove and materials placed on record, the Respondents are directed to maintain status quo qua title and possession in respect of the subject land bearing plot of land admeasuring approximately 42,400 sq. Yards consisting Khasra Nos. 729, 738, 739 and 750 at Village Sadarpur District Ghaziabad, Uttar Pradesh-201002 until the next date of hearing.

9. Provisions of Order XXXIX Rule 3 CPC compliance be done within one (1) week.

10. List on 24.01.2025.”

(Emphasis Supplied)

4. None appears on behalf of Respondents even today.

5. This Court by a separate order passed today in ARB P. No. 185/2025 has appointed Justice Rekha Palli, Former Judge, High Court of Delhi as the Sole Arbitrator for adjudication of disputes between the parties herein. It has been directed that Arbitration be held under the aegis of Delhi International Arbitration Centre (DIAC).



6. Learned senior counsel for the Petitioner states that this petition under Section 9 of the Act of 1996 as well be placed before the learned Arbitrator. He states that this petition can be heard and disposed of as an application filed under Section 17 of the Act by the Arbitral Tribunal.

It is ordered accordingly.

7. The present petition shall be placed before the Sole Arbitrator to be heard and adjudicated as a petition under Section 17 of the Act of 1996. For this purpose, parties are directed to appear before the Sole Arbitrator on 17.04.2025 at 04:30 PM.

8. It is directed that interim order dated 07.01.2025 shall continue unless modified by the learned Arbitrator and shall remain subject to final disposal of the application under Section 17 of the Act of 1996.

9. This petition is disposed of in the aforesaid terms.

10. A copy of this order be sent to the learned Arbitrator and DIAC for information and compliance. Fresh notice will be issued to the Respondents in the arbitral proceedings.

11. 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

APRIL 2, 2025/hp/ms

Click here to check corrigendum, if any