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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I)(COMM.) 444/2024
M/S. VERMAS BEAUTY PARLOUR PVT. LTD.Petitioner
Through: Mr. Shrey Chathly, Adv.
versus
M/S. PROCAPITUS BUSINESS PARK PVT. LTD.Respondent
Through: Mr. Vikas Kumar, Mr. Arvind Kumar
and Ms. Sakshi Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
19.03.2025

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1. This is a petition under Section 9 of the Arbitration & Conciliation Act, 1996 (*"the Act"*) seeking possession of premises bearing Plot No. C - 41, Sector 62, Noida, Gautam Budh Nagar, Uttar Pradesh - 201301 admeasuring 1350 sq. mtr., alongwith the arrears of rent.
2. It is stated that the Lease Agreement dated 18.10.2022 contained an Arbitration Clause bearing Clause No. 12 which reads as under:-

"12. DISPUTES REDRESSAL:

a) This Agreement shall be governed by the existing laws of the land.

b) In case of any disputes and/or differences, the parties here with will entitled to mutually settle the same. No third Party will be in-volved in the same.

c) Any dispute arising out of or in connection with this agreement if not resolved mutually shall be subject to
ARBITRATION PROCEEDING AS PER THE



ARBITRATION AND RECONCILIATION ACT 1996.

Any such Dispute will be referred to a single arbitrator appointed by the mutual consent of both the parties whose decision shall be final and binding to the parties.

d) Place of sitting and jurisdiction of the said sole arbitrator will be at DELHI.

e) The courts of Delhi shall have the jurisdiction for the purposes of Execution and appeal arising from the said arbitration proceedings.”

3. Learned counsel for the parties request that an Arbitrator may be appointed by this Court and the present petition may be treated as the Section 17 application under the Act.
4. For the said reasons, the present petition shall be treated as a Section 17 application under the Act and shall be disposed of expeditiously and not later than four weeks from entering the reference by the arbitrator.
5. Hence, the petition is allowed and the following directions are issued:-
 - i) Mr. Harkirat Sawhney, Advocate (Mob. No. 9810000381) 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”).
 - 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 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.
6. The petition stands disposed of accordingly.

JASMEET SINGH, J

MARCH 19, 2025/PU

Click here to check corrigendum, if any