



\$~2 (Original)

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

+ **O.M.P.(I) (COMM.) 2/2025**

ECO SOLIS PRIVATE LIMITED.

.....Petitioner

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva & Mr. Raghav Dixit,
Advocates

versus

PREM SHANKAR VERMA & ORS.

.....Respondents

Through: Mr. Anil Sapra, Sr. Advocate with
Mr. Sachin Midha, Mr. Shyam Gaur,
Mr. Kartikey Kumar and Mr. Aditya
Vikram Bajpai, Advocates for R-2 &
3

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

03.01.2025

I.A. 5/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

O.M.P.(I) (COMM.) 2/2025

1. This petition has been filed seeking directions from this Court under Section 9 of the Arbitration & Conciliation Act, 1996 *inter alia* for interim orders restraining respondent from demolishing the quarters or removing heavy cranes/equipment/material from the site or otherwise take over the possession from petitioner of the project site.



2. Background facts of the matter relate to Development Agreement dated 05th August 2023 executed between petitioner (a real estate developer) and respondent Nos. 2 and 3 i.e. Ansal Properties & Industries Ltd. (“**APIL**”) and Ansal Landmark Township Pvt. Ltd.(“**ALTPL**”). The site in question was a project land of 73.58 acres located at Village Dundahera, Tehsil and District Ghaziabad also known as near Crossing Republic, Ghaziabad.

3. As per petitioner, through this Development Agreement, exclusive development rights of the project and with respect to the project land were granted to petitioner, and possession of the land was handed over to it post the agreement. Furthermore, as per petitioner, they have mobilized their men and material and invested about Rs.10 crores in development of the said property. It is also stated in the petition that they have also paid up the liabilities which were imposed upon APIL and ALTPL, including cases filed by the allottees, pending before Consumer Forum and liabilities of other vendors / professionals who had been appointed.

4. It is contended that in the first week of July, APIL and ALTPL officers started creating hinderances in their smooth flow of work. In this regard, Arbitration was revoked by a communication dated 7th July 2024.

5. It is a matter of record, that no Arbitrator has been appointed yet.

6. The immediate cause of action is letters dated 20th December 2024, and 27th December 2024, purportedly issued by one Prem Shankar Verma (respondent no.1 herein) who was confirming party to the agreement and the nominated person for respondent nos. 2 and 3. It is stated in the said letters that there are payments which are outstanding from petitioner and the Companies will be constrained to takeover possession of the property and that their construction equipment and other implements be removed.



7. Mr. Anil Sapra, Senior Counsel appearing on behalf of respondent nos.2 and 3 states on instructions, at the outset, that they have not issued the said letters of 20th December 2024 and 27th December 2024, nor the same were issued under their instructions. He further states that said Mr. Prem Shankar Verma, is not nominated or authorised by them to issue such letters.

8. However, he points out that the Development Agreement itself stood terminated by communication dated 31st January 2024, a copy of which along with attendant documents has been handed up in the Court. He further submits that this fact has been suppressed from this Court and a reply to the said notice for termination was also sent by petitioner by a communication dated 16th February 2024, which is also part of the compilation filed by them.

9. Mr. Anil Sapra, Senior Counsel further states that they are in possession of the said premises and this petition has been filed *mala fide* by creating these communications addressed purportedly by Mr. Prem Shankar Verma, which are completely disowned by the Companies.

10. In these circumstances, counsels for the parties agree to appoint HMJ (Retd.) Siddharth Mridul, former Chief Justice of Manipur as the Sole Arbitrator.

11. Counsel for petitioner states that they shall press for relief under Section 17 of the Arbitration & Conciliation Act, 1996 in terms of this petition which has been filed before this Court.

12. Parties will be at liberty to approach the sole arbitrator under Section 17 of the Arbitration & Conciliation Act, 1996 for seeking any urgent and interim relief, if so advised.

13. It is clarified that this Court has not expressed any opinion on the merits of the matter.



14. Copy of this order be sent to the Arbitrator, HMJ (Retd.) Siddharth Mridul, former Chief Justice of Manipur for information.

15. Parties shall approach the Arbitrator within a period of one week from today. The Arbitrator will be at liberty to fix the fee in terms of deliberations between parties before the Arbitrator.

16. The petition stands disposed of with above directions.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J
(VACATION JUDGE)

JANUARY 3, 2025/sm/tk