



\$~2-3

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

+ **ARB.P. 35/2025**

**M/S. FIBERFILL INTERIORS AND CONSTRUCTIONS
(INDIA) PVT. LTD. THROUGH ITS AUTHORIZED
SIGNATORY SH. RANJEET SINGH**

.....Petitioner

Through: **Mr. Rahul Sharma and Mr. Shashank
Shekhar, Advocates.**

versus

M/S. NEXGEN INFRACON PVT. LTD.

.....Respondent

Through: **Mr. Siddharth Joshi, Ms. Ambareen,
Mr. Zaki, Ms. Sanjan and Ms. Leena,
Advocates.**

3.

+ **ARB.P. 36/2025**

**M/S. FIBERFILL INTERIORS AND CONSTRUCTIONS
(INDIA) PVT. LTD. THROUGH ITS AUTHORIZED
SIGNATORY SH. RANJEET SINGH**

.....Petitioner

Through: **Mr. Rahul Sharma and Mr. Shashank
Shekhar, Advocates.**

versus

M/S. MAHAGUN REAL ESTATES PVT. LTD.

.....Respondent

Through: **Mr. Siddharth Joshi, Ms. Ambareen,
Mr. Zaki, Ms. Sanjan and Ms. Leena,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

04.11.2025

%

1. The present petitions have been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act') seeking appointment of a Sole Arbitrator for the adjudication of the disputes between



the parties arising out of the Arbitration Agreement dated 1st March, 2017 (hereinafter 'Agreement').

2. Counsel for the petitioner states that the aforesaid Agreement contains an arbitration clause, i.e. Clause 103.2, which provides for adjudication of any disputes arising between the parties by way of Arbitration.

3. The petitioner sent a legal notice dated 10th May, 2023 to the respondent invoking the aforesaid arbitration clause under Section 21 of the Act. The respondent has not sent a reply to the aforesaid notice to the petitioner. Hence, the petitioner has been constrained to approach this Court by way of the present petition.

4. Notice in the present petition was issued on 9th January, 2025. With consent of the parties, both the matters were referred for mediation however, the mediation proceedings have not been successful.

5. Counsel for the respondent submits that he has no objection if an Arbitrator is appointed in the present petitions.

6. Counsel for the petitioner submits that the petitioner proposes to file a claim for an amount of ₹31,50,000/- (Rupees Thirty Lakhs and Fifty Thousand) in *ARB. P. 35/2025* and a claim for an amount of ₹66,00,000/- (Rupees Sixty Six Lakhs) in *ARB. P. 36/2025*.

7. Counsel for the respondent, on the other hand, submits that the respondent proposes to file a counter-claim for an amount of ₹5,00,00,000/- (Rupees Five Crores) separately in both the aforesaid petitions.

8. Counsel for the parties submit that a retired Judge of this Court may be appointed to adjudicate disputes between the parties in both the petitions.

9. Accordingly, the disputes between the parties in both the petitions are referred to the Arbitral Tribunal comprising a Sole Arbitrator.



10. Justice Rekha Palli, Judge (Retd.), Delhi High Court, (Mobile No. +91-9810012120) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties in both the petitions.

11. The following directions are issued in this regard:

- i. The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter 'DIAC').
- ii. The remuneration of the Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- iii. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.
- iv. The parties shall approach the Arbitrator within two (2) weeks from today.

12. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/or counter claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

13. Both the petitions stand disposed of in the aforesaid terms.

14. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

NOVEMBER 4, 2025

Rzu