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

+ LPA 58/2025, CM APPL. 4624/2025 & CM APPL. 4625/2025

ANSAL PROPERTIES AND INFRASTRUCTURE LTD
THROUGH ITS RESOLUTION PROFESSIONAL MR JALESH
KUMAR GROVERAppellant

Through: Mr. Arnav Vidyarthi, Advocate.

versus

SAMYAK PROJECTS PVT LTD THROUGH ITS AUTHORISED
REPRESENTATIVERespondent

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

24.01.2025

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1. Heard the learned counsel for the appellant.
2. This Letters Patent Appeal challenges an order dated 19.11.2024, whereby writ petition filed by the appellant assailing an order dated 11.09.2024 passed by the Sole Arbitrator has been dismissed.
3. The learned Single Judge, having perused the order which was under challenge before him, has returned a finding that the appellant is not willing to seek revival of the arbitration proceedings in terms of the liberty granted by the Arbitral Tribunal *vide* order dated 16.11.2022.
4. The learned Single Judge has also considered the contention of the petitioner that for the purpose of clarification, revival of the arbitration proceedings was not necessary. Since the arbitration proceeding were



coming in the way of the resolution plan approved by the Committee of Creditors (COC), the learned Single Judge concurred with the opinion expressed by the Arbitrator and opined that the reason given by the Arbitrator cannot be said to be unreasonable and further that jurisdiction under Article 226 of the Constitution of India in such matters has to be exercised only in rare circumstances.

5. The learned Single Judge further observes in the order under challenge herein that there is no change in the circumstances as compared to the circumstances prevailing on 16.11.2022 with respect to the moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016.

6. Having perused the order passed by the learned Single Judge, we are not inclined to interfere in this Letters Patent Appeal for the reason that the ground on which the learned Single Judge has refused to exercise the jurisdiction under Article 226 of the Constitution of India in the challenge before him raised by the appellant, cannot be said to be assailable in any manner.

7. We are in agreement with the reason given by the learned Single Judge while dismissing the writ petition.

8. Accordingly, the instant LPA also fails, which is hereby dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 24, 2025

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