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

+ **O.M.P.(I) (COMM.) 52/2026**

NAND KISHORE MALHAN

.....Petitioner

Through: Ms. Malvica Satija, Advocate.

versus

DIMPLE ANAND & ANR.

.....Respondents

Through: Ms. Kirti Mewar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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16.02.2026

1. The present Petition under Section 9 of the Arbitration and Conciliation Act, 1996 [**"A&C Act"**] has been filed by the Petitioner seeking the following reliefs:

"a. Pass an appropriate order thereby restraining the Respondents, their officers, servants, agents, trustees, attorneys etc. from alienating, encumbering, parting with possession or otherwise howsoever creating any third party interest in respect of the land situated at Village Kaundi, Teh Baddi, District Solan, Himachal Pradesh measuring 103.18 bighas i.e., the subject property.

b. Pass any such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The facts of the case reveal that the Petitioner and the Respondents are shareholders of a company i.e., Leads House and Infrastructure Pvt. Ltd.



It is stated that the Petitioner and the Respondents had jointly purchased a land in village Kaubdi, Teh Baddi, Solan, Himachal Pradesh, measuring 103.18 Bighas. It is stated that the Petitioner contributed 55% of the purchase price, while Respondent No.1 and Respondent No.2 contributed 20% and 25% respectively. It is stated that on 17.01.2019, an MOU was entered into between the Petitioner and the Respondents for the sale of the said property wherein it was agreed that the sale proceeds would be divided among the Parties in the same proportion as they have contributed towards the purchase of the property. It is the case of the Petitioner that the sale did not complete as the buyer failed to obtain necessary permission and the Petitioner agreed to return his share of the amount received as advance for the sale consideration.

3. It is stated that on 02.07.2024, the Petitioner and Respondents entered into a Settlement Agreement wherein it was agreed that any sale proceeds from the third parties would be distributed as 55% to the Petitioner, 20% to Respondent No.1 and 25% to Respondent No.2, regardless of their company's shareholding.

4. It is stated by the learned Counsel for the Petitioner that it has been come to the knowledge of the Petitioner that the Respondents are trying to dispose of the property and create third party interest without the consent of the Petitioner and, therefore, the Petitioner has filed the present petition.

5. Clause 14 of the Settlement Agreement dated 02.07.2024 is an arbitration clause. The said clause indicates that the seat and venue of arbitration proceedings shall be in Delhi and, therefore, this Court has the jurisdiction to entertain the present petition.

6. On 09.02.2026 when the matter was listed, learned Counsel for the



Respondent appeared on advance notice and sought time to get instructions as to whether an Arbitrator can be appointed to adjudicate upon the disputes between the Parties and the present Petition under Section 9 of A&C Act can be considered as one under Section 17 of the A&C Act by the Arbitrator or not.

7. Today, learned Counsel for the Respondents states that they are prepared to go for arbitration and an Arbitrator can be appointed to adjudicate upon the disputes between the Parties. She further consents to the present Petition under Section 9 of A&C Act, being considered by the learned Arbitrator as one under Section 17 of the A&C Act.

8. In view of the consent given by the learned Counsel for the Parties, Justice Mukta Gupta, former Judge of this Court, (Mob No. 9650788600) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

9. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

10. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within one week of entering reference.

11. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

12. The Arbitrator is requested to make an endeavour to decide the application under Section 17 of the A&C Act expeditiously, preferably within a period of four weeks from the date of entering reference.



13. It is made clear that all the observations made in this Order are only restricted to the issue of appointment of an Arbitrator and this Court has not made any observations on the merits of the case.

14. The Petition stands disposed of in the above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 16, 2026

S. Zakir