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

Date of decision: 27.04.2026

+ **O.M.P.(I) (COMM.) 525/2025**

M/S TINNA RUBBER AND INFRASTRUCTURE LIMITED

.....Petitioner

Through: Mr. Rachana Maheshwari, Mr.
Mannu Bansal and Ms. Priti,
Advocates.

versus

M/S K.K. RECLAMATIONS PRIVATE LIMITED & ORS.

.....Respondents

Through: Mr. Siddhant Solanki,
Advocate.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

1. The present Petition filed under Section 9 of the **Arbitration and Conciliation Act, 1996** ["Act"] seeks the following reliefs:

"i) Pass an order of injunction restraining the Respondents, their agents, assignees, representatives, or any person claiming through or under them from alienating, transferring, encumbering, parting with possession, or creating third-party interest in respect of the movable as well as immovable properties in question referred to hereinabove as the "**Said Properties**" during the pendency of the arbitral proceedings; and/or

ii) Pass an order directing the Respondents to maintain status quo with respect to the title, possession, nature, and character of the movable / immovable properties belonging to the abovementioned sister concerns of the Respondent No. I, as existing on the date of



filing of the present Petition, until conclusion of the arbitral proceedings; and

iii) Pass an order directing the Branch Head / Chief Manager of the Punjab & Sindh Bank, Model Town Branch, Ludhiana, Punjab to ***debit freeze / create lien*** on the said bank account bearing no. 02931600065359, belonging to the Respondent No. 1; and

iv) Pass an order directing the Respondents to immediately deposit Rs 20,00,000/- (Rs Twenty Lakhs Only) in the form of the FDR/s or similar bank Instruments, being the undisputed obligation of the respondents, before the Hon'ble Court to secure the Interest of the Petitioner and/or

v) Pass such further order(s)/relief(s) which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case may also be passed in favor of the Petitioner and against the Respondents in the interest of justice and to secure the subject matter of arbitration.”

2. At the outset, learned counsel appearing on behalf of the parties, on instructions, submit that they are *ad idem* that, in lieu of adjudication on the merits of the present matter, the disputes *inter se* parties may be referred to arbitration.

3. The material on record indicates that the disputes *inter se* parties arise out of **Tax Invoices P/23-24/002075 dated 29.11.2023, P/23-24/001742 dated 13.10.2023 and P/23-24/001903 dated 03.11.2023 [“Tax Invoices”]**, which contemplate the adjudication of disputes, arising with regards to default in payment of outstanding amount as per said Tax Invoices, by way of Arbitration. The relevant stipulation is contained as **Clause 18 in the Tax Invoices [“Arbitration clause”]**. The same reads as follows:

“18. Arbitration/Jurisdiction

(a) The contract shall be governed and interpreted in accordance with the laws of India



(b) In the event of any dispute arising out of or in relation to or touching with this contract, the same shall be decided by arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1966. The arbitration proceedings shall be held at Delhi.

(c) All disputes arising out of this contract shall be subject to the exclusive jurisdiction of the courts at Delhi.”

4. In view of the above, this Court is of the view that the disputes as sought to be raised herein be referred to arbitration by a Sole Arbitrator in terms of the above said Arbitration Clause of the Tax Invoices for the goods supplied.

5. Since the learned counsel for the parties are *ad idem* that disputes herein be referred to arbitration without undue delay, the statutory requirement of addressing a Legal Notice under Section 21 of the Act, invoking the Arbitration Clause, and the requirement of filing a formal Petition under Section 11 of the Act for the appointment of an arbitrator are waived.

6. Accordingly, this Court hereby requests **Mr. Ashwani Kumar Dubey, Advocate (Mobile No. 9818685007)** to enter upon the reference and adjudicate the disputes *inter se* the parties.

7. The learned Sole Arbitrator may proceed with the arbitration proceedings, subject to furnishing to the parties the requisite disclosures as required under Section 12(2) of the Act within a week of entering the reference.

8. The learned Arbitrator is requested that the present Petition under Section 9 of the Act be treated as an Application under Section 17 of the Act, and considered at the time.



9. The Registry is directed to forward a copy of this order to the learned Arbitrator through all permissible modes, including electronic means.
10. The learned Arbitrator shall be entitled to a fee in accordance with the Fourth Schedule of the Act or as may otherwise be agreed to between the parties and the learned Arbitrator.
11. The parties shall share the learned Arbitrator's fee and arbitral costs equally.
12. All rights and contentions of the parties are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.
13. Needless to state, nothing in this Order shall be construed as an expression of opinion of this Court on the merits of the controversy.
14. Accordingly, the present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 27, 2026/ v/dj/va/sg