
(2022) 05 DEL CK 0104

In the Delhi High Court

Case No : Original Miscellaneous Petition (I) (COMM.) No. 105 Of 2022, I.A. No. 5197 Of 2022

Saya Buildcon Private Limited

APPELLANT

Vs

Vijay Kumar Aggarwal & Ors.

RESPONDENT

Date of Decision : 09-05-2022

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 9, 12, 17

Citation : (2022) 05 DEL CK 0104

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Vijay Nair, Vineet Sinha, Krishnendu Datta, Zorawar Singh, Hitesh Mankar

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner, by this petition under Section 9 of the Arbitration & Conciliation Act, 1996 seeks certain declaratory and interim measures against the respondents.
2. The disputes have arisen, inter-alia, out of the partnership agreement and the memorandum of understanding both dated 22.11.2017. Both the partnership agreement and memorandum of understanding contain clauses providing for settlement of disputes through the process of arbitration.
3. After some arguments, learned counsel for the parties are agreeable that an Arbitral Tribunal be constituted by this Court in these proceedings itself, reserving the right of the parties to approach the Arbitral Tribunal under Section 17 of the Arbitration & Conciliation Act, 1996 for interim measures.
4. Accordingly, with the consent of the parties and without prejudice to their respective rights and contentions, parties are referred to arbitration.
5. With the consent of parties, Mr. Justice A.K. Sikri, Former Judge, Supreme

Court of India, (Email: aksikrij@gmail.com; pstojusticesikri@gmail.com) is appointed as the Sole Arbitrator to adjudicate the claims and counter-claims, if any, of the parties.

6. It would be open to the parties to approach the Arbitral Tribunal under Section 17 of the Arbitration & Conciliation Act, 1996 for interim measures, in accordance with law.

7. The fees of the Arbitral Tribunal shall be as per the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

8. The Arbitrator shall furnish the requisite disclosure under section 12 of the Arbitration and Conciliation Act, 1996 within two weeks of entering reference.

9. Petition is disposed of in the above terms.