

Exim Logistics Pvt Ltd vs Indian Oil Corporation Limited on 3 May, 2024

Author: Dinesh Kumar Sharma

Bench: Dinesh Kumar Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
ARB.P. 78/2023
EXIM LOGISTICS PVT LTD

INDIAN OIL CORPORATION LIMITED
Through: Mr. Divjyot

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA
OR

% 03.05.2024

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator to adjudicate upon the disputes between the parties.

2. The plea of the petitioner is that in response to the tender for road transportation of Purified Terephthalic Acid (PTA) in Flexible This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:28 Intermediate Bulk Container (FIBC) by Trucks Ex-Panipat to various destinations across the country was floated by the respondent company. The tenders were floated on 18.03.2020 and were closed on 15.05.2020.

3. Learned counsel for the petitioner submits that though the period when COVID-19 restrictions were there and therefore, in view of the restrictions, the petitioner vide email dated 27.07.2020,

wrote to the respondent that the petitioner will not be able to proceed with all the sectors. By this time, the petitioner was L-1 in some of the sectors. The petitioner offered that they would be able to do with only some part of one or two sectors there. Learned counsel for the petitioner submits that despite this, the respondent issued a letter of intent vide communication dated 29.07.2020. Learned counsel submits that again vide communication dated 07.08.2020, the petitioner has expressed his inability to carry/execute the complete work as given in the letter of intent.

4. Learned counsel submits that however, the respondent unilaterally issued a show cause notice dated 17.08.2020 asking the petitioner to explain as to why he should not be listed in the "holiday list/black list". The petitioner responded to the same vide communication dated 31.08.2020. Learned counsel submits that despite this, the respondent vide communication dated 12.01.2021, put the petitioner in the "Holiday List/black list" for a period of one year. The petitioner responded to the same vide communication dated 29.01.2022. Learned counsel submits that though the respondent sent a false and frivolous reply to its communication. Learned counsel submits that the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:28 respondent issued a debit note dated 23.05.2022 whereby a sum of Rs.18,12,000/- was raised as a liability.

5. The petitioner invoked the arbitration clause vide notice dated 14.09.2022. Learned counsel for the petitioner submits that since there is an arbitration clause in the tender document as contained in Annexure F of the tender, the matter has been required to be referred to arbitration.

6. Learned counsel for the respondent submits that there is no agreement entered into between the parties. Learned counsel for the respondent submits that the bare perusal of Clause 4.1 makes it clear that there has to be a dispute between the contractor and the owner.

7. Learned counsel submits that the CONTRACTOR/ TRANSPORTER/BIDDER/CARRIER has been defined in clause-1.2 of General terms and conditions (Annexure -F) which provides that the CONTRACTOR/TRANSPORTER/BIDDER/ CARRIER shall mean the person, firm, company, association of persons, legal heir or successor, to whom pursuant to the successful tendering process, the Work Order/Contract is awarded and the Agreement has been executed.

8. Learned counsel submits that admittedly, no work order/contract has been awarded to the petitioner. Learned counsel submits that the respondent is a public sector undertaking and works in an absolutely transparent manner. Learned counsel submits that pursuant to the issuance of tender, the petitioner made the Bid, and being the L-1, the letter of intent was issued to him. Learned counsel submits that the petitioner did not respond to the letter of intent and neither withdrew This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:28

from the bid. Learned counsel submits that since no agreement was executed between the parties, therefore, there is no question of the applicability of the arbitration clause in the tender document.

9. The jurisdiction of this Court at the time of making the reference is very limited. The Court has only to see whether there is an agreement which contains the arbitration clause and there is arbitrable disputes between the parties.

10. Section 7 of the Arbitration and Conciliation Act, 1996 defines the arbitration agreement which reads as under:

"Section 7. Arbitration agreement-

(1) In this Part, "arbitration agreement" means an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not.

(2) An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(3) An arbitration agreement shall be in writing. (4) An arbitration agreement is in writing if it is contained in

(a) a document signed by the parties;

(b) an exchange of letters, telex, telegrams or other means of telecommunication
1[including communication through electronic means] which provide a record of the agreement;

or

(c) an exchange of statements of claim and defence in which the existence of the agreement is alleged by one party and not denied by the other.

(5) The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement if the contract is in writing and the reference is such as to This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 make that arbitration clause part of the contract."

11. The bare perusal of Section 7 of the A&C Act makes it clear that there has to be an agreement between the parties for making the reference to the arbitration. Thus, the parties have to be on consensus ad adem. It is pertinent to mention here that such an "agreement" has to be in

accordance with the provisions of the Indian Contract Act. Section 10 of the Indian Contract Act provides that all agreements are contracts only if they are made by free consent of the parties, competent to the contract, for a lawful consideration and with a lawful object and not expressly declared to be void. Section 2 (h) of the Contract Act defines „contract as "An agreement enforceable by law". To create a contract there must be an agreement between the parties. This agreement should be such that if one party breaches the agreement, there must be some remedies available for the other party in a court of law. To be enforceable, the agreement must contain all the essential elements of a valid contract as described in Sec. 10 of the Contract Act. If an agreement lacks in any one or two elements as described in the section it becomes either void ab initio or voidable, or unenforceable depending on what element it is lacking. Therefore, in order to constitute an agreement, there have to be certain terms and conditions agreed between the parties.

12. In the present case, the petitioner being L-1 was only issued a letter of intent by the respondent company to which the petitioner has in no form sent a letter of acceptance to agree to its terms and conditions. Therefore the petitioner has not entered into an agreement that contains a clause of arbitration as required under law to initiate the proceedings This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 under the A&C Act. I consider that since there is no arbitration agreement entered between parties, the present cannot be referred to an arbitral tribunal. Hence, the present petition is rejected.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~7 (appellate matter) * IN THE HIGH COURT OF DELHI AT NEW DELHI DEEPAK RAMCHAND SHARMA Petitioner Through: Mr. Dipesh Sharma, Mr. Sushant Singhal, Advs.

versus THE STATE NCT OF DELHI & ANR. Respondents Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 07.05.2024 CRL.M.A. 13449/2024 in CRL.M.C. 6255/2022 The present application has been moved under Section 482 Cr. PC seeking clarifications and modification in the order dated 03.02.2023 praying for an observation for condonation of delay by the Sessions Court.

The application is allowed, let the order dated 03.02.2023 now read as under:

"Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file revision petition before learned Sessions Court. However, learned counsel submits that since NBWs have been issued against the petitioner, some

protection may be granted.

In view of the submissions made, the petition is dismissed as withdrawn with liberty to the petitioner to file revision petition before the learned Sessions Court in accordance with law.

This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 Learned Sessions Court may consider the condonation of delay for the period consumed during the pendency of this petition before this court in accordance with law.

In the meanwhile, till 28.02.2023, no coercive action shall be taken in CC No.7998-2017 against Deepak Ramchand Sharma.

It is made clear that no expression made herein shall tantamount to the expression the merits of the case."

Accordingly, the present application stands disposed of.

DINESH KUMAR SHARMA, J MAY 7, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~2 * IN THE HIGH COURT OF DELHI AT NEW DELHI SHUBHAM PRATAP SINGH Petitioner Through: Mr.Kartik Sharma, Adv(VC) versus BLUE FROG SOLUTION (OPC) Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024 Learned counsel for the Respondent submits that parties have almost settled the matter amicably and seeks a short adjournment.

List on 14.05.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI TATA CAPITAL LIMITED Petitioner Through: Mr.Nachiketa Suri, Mr. Raj Kumar, Advs.

CHANI MUKARJI

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024
Learned counsel for the petitioner submits that recently it has come to the knowledge of the petitioner that an award has been passed in the present matter by the arbitrator who was unilaterally appointed by the respondent.

Learned counsel seeks some time to move appropriate application for the amendment of plaint.

List on 09.07.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~4 * IN THE HIGH COURT OF DELHI AT NEW DELHI AMIT VADHERA & ANR. Petitioners Through: Mr.Anil Sharma, Mr. Arpit Sharma, Mr. Sankalp Mishra, Advs.

versus M/S VARDHMAN INFRABUILD PVT LTD Respondent Through: Mr.Sambit Nanda, Ms. Samaya Khanna, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024
Learned counsel for the respondent submits that the matter may be referred to the mediation centre as there is possibility of amicable settlement.

In view of the submissions made above, let the matter be referred to the Delhi High Court Mediation Centre.

Parties are directed to appear before the Secretary, Delhi High Court Mediation Centre on 08.05.2024 at 3.30 PM.

List the matter before the Court on 28.05.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~5 * IN THE HIGH COURT OF DELHI AT NEW DELHI M/S ASHA ENTERPRISES PVT LTD THROUGH SHRI VARINDER KUMAR SHARMA DIRECTOR Petitioner Through: Mr. Sanjay Bansal, Adv.(VC) versus HINDUSTAN PREFAB LTD & ANR. Respondents Through: Mr. Varun Nishcal,

Mr. Shubham Sharma, Advs. with Mr. Mukesh Kumar, Legal Incharge for R-1
CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024
Learned counsel for the respondent No.1 seeks time to file the reply. Learned counsel submits that entire payment has been made and there is no arbitrable dispute between the parties.

Let reply be filed within four weeks with an advance copy supplied to the learned counsel for the petitioner. Rejoinder thereto, if any, be filed within two weeks thereafter with copy to the learned counsel for the respondent No.1.

Respondent No.2 has not been served. Let respondent No.2 be served again through all permissible modes upon taking steps by the petitioner, returnable on 24.05.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI MOGLI LABS (INDIA) PVT. LTD. THROUGH ITS AUTHORIZED SIGNATORY MR. SANIDHYA JAIN..... Petitioner Through: Mr. Arnab Chatterjee, Adv.(VC) versus M/S SHUBAN PRINTS THROUGH ITS PARTNERS & ORS.

..... Respondents Through: Mr. Dhruv Gupta, Adv,(VC) CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024 Both the learned counsel for the parties submits that the matter may be referred to the mediation centre as there is possibility of amicable settlement.

In view of the submissions made above, let the matter be referred to the Delhi High Court Mediation Centre.

Parties are directed to appear before the Secretary, Delhi High Court Mediation Centre on 10.05.2024 at 3.30 PM.

List the matter before the Court on 01.07.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~7 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 2714/1997 SMT.GURPREET KAUL Plaintiff Through: Mr. Sanjeev Bahl, Ms. Apoorva Bahl, Advs.

versus SMT.PHOOL MADAN Defendant Through: Mr. Pradeep Rai, Sr. Adv. with Mr. Deepak Kohli, Ms. Kavya Jindal, Mr. Aakash Goswami, Mr. Arnav Mittal, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024 I.As. 16493-94/2023 in CS(OS) 2714/1997 Learned Senior counsel for the applicant submits that they would like to file the rejoinder to the reply filed by the non applicant(s).

Let rejoinder be filed within four weeks with an advance copy supplied to the learned counsel for the non applicant(s).

List on 27.08.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI UPASANA WAHI AND ORS & ORS. Petitioners Through: Mr. Ajay Verma, Sr. Adv. with Mr. Shantanu M, Ms. Yashodhara Barmon Roy, Ms. Darshita Sethia, Advs. versus STATE GOVT OF NCT DELHI Respondent Through: Mr. Harshvardhan Jha, Mrs. Yugandhara Pawar Jha, Mr. Aman Pathak, Advs. for Mr. RK Sharma and beneficiaries Mr. Vikram Sharma and Ms. Pooja Sharma CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 03.05.2024 I.A. 9913/2024 in TEST.CAS. 56/2021

1. The present application has been moved seeking following prayers;

i. Allow the present Application amending LA. No. 12181/2023 to the extent as provided in Para 8 hereinabove; And ii.. Take on record the Amended Application; and

2. Learned senior counsel for the petitioners submits that pursuant to the subsequent filing of I.A.12181, the Court appointed valuer gave the value report. As per which, the valuation of the entire Partnership Firm value is Rs.69,23,11,399/-.

3. Learned senior counsel for the petitioner submits that the Testatrix was 48% partner in the partnership firm which in terms of the valuation, amounts This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 to Rs.33,23,09,472/-.. Further, it is submitted that in accordance with the Will as well as Statutory provisions, the Testatrix is allowed to liquidate her share of the partnership.

4. Learned senior counsel submits that in view of this, the prayer clause is required to be amended. Accordingly, the amendments are in paras 7,8, 9 and 12 and Prayer Clause.

5. Issue notice.

6. Mr. Harshwardhan Jha, learned counsel accepted notice on behalf of Mr. RK Sharma, the non-beneficiary, as well as on behalf of beneficiaries Mr. Vikram Sharma and Ms. Pooja Sharma and seeks time to file the reply.

7. Let reply be filed within four weeks with copy to the learned counsel for the petitioner.

8. List the present application before the Joint Registrar (judicial) for completion of pleadings on 11.07.2024.

9. List the matter before the Court on 01.08.2024.

DINESH KUMAR SHARMA, J MAY 3, 2024 Pallavi This is a digitally signed order.

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versus MS. SIMRIN ANAND Respondent Through: Mr. Anant Roy, Adv. for R-2 CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 09.05.2024
Learned counsel for the parties submit that the matter is pending before the Delhi High Court Mediation and Conciliation Centre for

10.05.2024.

List on 04.09.2024.

DINESH KUMAR SHARMA, J MAY 9, 2024 Pallavi This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~5 to 7 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 2523/1997, CC 1916/1999 + CS(OS) 1455/2000, I.A. 3270/2007 + CS(OS) 2264/2011 DELHI DEVELOPMENT AUTHORITY Plaintiff Through: Mr.M. K. Singh, Adv. (VC) versus SOM DUTT GARGI Defendant Through: Mr. Abhishek Semwal, Adv.(VC) CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 09.05.2024 An adjournment slip has been moved on behalf of the learned counsel for the plaintiff which is not opposed by the learned counsel for the defendant.

List on 10.09.2024.

DINESH KUMAR SHARMA, J MAY 9, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~18 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 210/2023, I.A. 11076/2023 UNION OF INDIA Petitioner Through: Mr. Sandeep Kumar Mahapatra, CGSC with Mr. Tribhuvam, Adv.

M/S MCPL_NACS JV

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 09.05.2024 Learned counsel for the petitioner seeks time to file the rejoinder. Let rejoinder be filed within four weeks with an advance copy supplied to the learned counsel for the respondent.

List on 24.09.2024.

DINESH KUMAR SHARMA, J MAY 9, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~27 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 396/2019, I.A. 13233/2019, I.A. 19283/2022 QUADRANT TELEVENTURES LIMITED Petitioner Through: Mr. Akhil Sibal, Sr. Adv. with Mr. Yashvardhan, Ms. Kritika Nagpal, Mr.Gyanendra Shukla, Mr. Akshay Gupta, Mr. Nikhil Y. Chawla, Ms.Aditi Pathak, Advs.

versus ATC TELECOM INFRASTRUCTURE PVT. LTD. & ANR.

..... Respondents Through: Mr. Rajeshkhar Rao, Sr. Adv. with Mr. Manish Jha, Mr. Zain Maqbool, Mr. Meherunissa Anand, Ms. Arsha Rampal, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 09.05.2024 Mr. Akhil Sibal, learned senior counsel has concluded the arguments on behalf of the petitioner.

List the matter for arguments on behalf of respondents on 09.07.2024 at 12.30 PM.

List the matter in the category of "part heard".

DINESH KUMAR SHARMA, J MAY 9, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~33 to 35 * IN THE HIGH COURT OF DELHI AT NEW DELHI + ARB. A. (COMM.) 45/2023, I.A. 21860/2023, I.A. 21862/2023 FINAL STEP DEVELOPERS PVT. LTD. THROUGH AUTHORIZED REPRESENTATIVE, Petitioner Through: Mr Parag P. Tripathi, Mr. Jayant Mehta, Sr. Advs with Mr. Jatin Sehgal, Mr. Shashank Garg, Mr. Nawab Singh Jaglan, Mr. Nikhil Palli, Ms. Devna Soni and Mr. Sivashish Dwivedi, Ms. Yashi Bajpai, Ms. Nistha Jain Advs.

versus DLF HOME DEVELOPERS PRIVATE LIMITED & ORS.

..... Respondents Through: Mr. Pinaki Misra, Sr. Adv. with Mr. Pravin Bahadur, Ms. Simran Brar, Mr. Amit Agarwal, Ms. Apoorva Neral, Mr. Swastik Dalai, Mr. Karan Sharma, Ms. Kanika Gomber, Mr. S. Anjani Kumar, Advs, with Mr. Atul Srivastava, Ms. Swati Singh, Ms. Poonam Madhan, ARs.

Mr. Rudra Pratap, Ms. Mrinalini Sharma, Mr. Tushar Randhawa, Mr. Rahul Sharma, Ms. Disha Choudhary, Advs. for R-3 Mr. Sunil Dalal, Sr. Adv. with Mr., Ankit Banati, Mr. Abhay Agnihotri, Ms. Manisha Mr. Rishi Aggarwala, Ms. Manisha Sarola, Mr. Nikhil Beniwal, Mr. Navish Bhati, Mr. Mahabir Sing, Advs. for R-4 Mr. Ravi Tyagi, Mr. Mayank Mishra, Ms. Manmilan Sidhu, Mr. Kanishk Khullar, Ms. Bhumika Bhatnagar, Advs. for R-5 This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 + O.M.P. (COMM) 450/2023, I.A. 21844/2023 FINAL STEP DEVELOPERS PVT. LTD. THROUGH AUTHORIZED REPRESENTATIVE Petitioner Through: Mr Parag P. Tripathi, Mr. Jayant Mehta, Sr. Advs with Mr. Jatin Sehgal, Mr. Shashank Garg, Mr. Nawab Singh Jaglan, Mr. Nikhil Palli, Ms. Devna Soni and Mr. Sivashish Dwivedi, Ms. Yashi Bajpai, Ms. Nistha Jain, Advs.

versus DLF HOME DEVELOPERS LIMITED THROUGH AUTHORIZED REPRESENTATIVE & ORS. Respondents Through: Mr. Pinaki Misra, Sr. Adv. with Mr. Pravin Bahadur, Ms. Simran Brar, Mr. Amit Agarwal, Ms. Apoorva Neral, Mr. Swastik Dalai, Mr. Karan Sharma, Ms. Kanika Gomber, Mr. S. Anjani Kumar,

Advs, with Mr. Atul Srivastava, Ms. Swati Singh, Ms. Poonam Madhan, ARs.

Mr. Rudra Pratap, Ms.Mrinalini Sharma, Mr. Tushar Randhawa, Mr. Rahul Sharma, Ms. Disha Choudhary, Advs. for R-3 Mr. Ravi Tyagi, Mr. Mayank Mishra, Ms. Manmilian Sidhu, Mr. Kanishk Khullar, Ms. Bhumika Bhatnagar, Advs. for R-5 Mr. Sunil Dalal, Sr. Adv. with Mr., Ankit Banati, Mr. Abhay Agnihotri, Ms. Manisha Mr.Rishi Aggarwala, Ms. Manisha Sarola, Mr. Nikhil Beniwal, Mr. Navish Bhati, Mr. Mahabir Sing, Advs. for R-4 This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 + O.M.P.(MISC.)(COMM.) 83/2024 DLF HOME DEVELOPERS LIMITED Petitioner Through: Mr. Pinaki Misra, Sr. Adv. with Mr. Pravin Bahadur, Ms. Simran Brar, Mr. Amit Agarwal, Ms. Apoorva Neral, Mr. Swastik Dalai, Mr. Karan Sharma, Ms. Kanika Gomber, Mr. S. Anjani Kumar, Mr. Atul Srivastava, Advs.

versus SHIPRA ESTATES LIMITED & ORS. Respondents Through: Mr Parag P. Tripathi, Mr. Jayant Mehta, Sr. Advs with Mr. Jatin Sehgal, Mr. Shashank Garg, Mr. Nawab Singh Jaglan, Mr. Nikhil Palli, Ms. Devna Soni and Mr. Sivashish Dwivedi, Ms. Yashi Bajpai, Ms. Nistha Jain Advs.

Mr. Dheeraj Nair, Mr. Manish Jha, Ms. Vishruti Sahni, Ms. Muskaan Gupta, Advs. for R-4 Mr. Rudra Pratap, Ms.Mrinalini Sharma, Mr. Tushar Randhawa, Mr. Rahul Sharma, Ms. Disha Choudhary, Advs. for R-3 Mr. Ravi Tyagi, Mr. Mayank Mishra, Ms. Manmilian Sidhu, Mr. Kanishk Khullar, Ms. Bhumika Bhatnagar, Advs. for R-5 Mr. Sunil Dalal, Sr. Adv. with Mr., Ankit Banati, Mr. Abhay Agnihotri, Ms. Manisha Mr.Rishi Aggarwala, Ms. Manisha Sarola, Mr. Nikhil Beniwal, Mr. Navish Bhati, Mr. Mahabir Sing, Advs. for R-4 This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 09.05.2024 Sh. Parag P. Tripathi, learned senior counsel has concluded his arguments.

List the matter for arguments of Mr. Jayant Mehta, learned senior counsel on behalf of Petitioner/ Final Step Developers Pvt. Ltd..

Mr. Rudra Pratap, learned counsel on behalf of Mr. Mohit Singh seeks permission to file brief written submissions.

Let the written submissions not exceeding five pages along with relevant judgments they wish to rely upon with an advance copy be supplied to the opposite party.

List on 16.05.2024 at 12.00PM.

DINESH KUMAR SHARMA, J MAY 9, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~8 * IN THE HIGH COURT OF DELHI AT NEW DELHI M/S AURUM AUTOMOBILE PVT. LTD. Petitioner Through: Mr. Sachin Chaudhary, Advocate.

versus HERO ELECTRIC VEHICLES PVT. LTD. Respondent Through: Mr. Aayushmaan Gauba, Ms. Gunjan Chhabra, Mr.Dhruv Goyal and Ms. Aashii Yadav, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Mr. Aayushmaan Gauba, Advocate has appeared on behalf of the respondent and has submitted that there is a possibility of amicable settlement between the parties. He further prays for the matter to be referred to the Mediation Centre.
2. The matter is, therefore, referred to the Delhi High Court Mediation and Conciliation Centre.
3. Parties along with their respective counsel are directed to appear before the Delhi High Court Mediation and Conciliation Centre on 17.05.2024.
4. List before this Court on 31.05.2024.

DINESH KUMAR SHARMA, J MAY 13, 2024/PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~10 * IN THE HIGH COURT OF DELHI AT NEW DELHI + ARB. A. (COMM.) 44/2022 with I.A. 11143-45/2022 M/S CENTURY 21 MALLS PVT LTD Petitioner Through: Mr. Parth Tiwari, Advocate.

versus BEYOND MALLS LLP Respondent Through: Mr. Apporv Kurup, Ms. Nidhi Mittal and Mr. Gurjas Singh Narula, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Mr. Parth Tiwari, Advocate appearing on behalf of the petitioner seeks adjournment on the ground that the main counsel - Mr. Siddharth Chechani is in

some personal difficulty.

2. List on 30th July, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~11 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(COMM) 52/2023 with I.A. 10664/2023 HEALTH & GLOW PRIVATE LIMITED Plaintiff Through: Mr. Rohil Bansal and Mr. Swastik Bisarya, Advocates.

versus THIRD EYE BRANDS & CONCEPTS PRIVATE LIMITED & ORS. Defendants Through: Mr. Durgesh Gupta, Advocate for D1.

Mr. Kushal Gupta and Mohd. Umar, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. The present application has been filed on behalf of the defendant No.2 under Order XIII A CPC seeking summary judgment.

2. Issue notice.

3. Learned counsel for the plaintiff accepts the notice and seeks time to file the reply.

4. Let the reply be filed within four weeks and rejoinder, if any, be filed in 4 weeks thereafter with advance copy to the other side respectively.

5. List on 4th September, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024/PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:29 \$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(COMM) 360/2023 with CCP(O) 61/2023 and I.As. 10539- 40/2023, 10542-43/2023, 13687/2023, 17039/2023 MR. YUSUFFALI MUSALIAM VEETIL ABDUL KADER Plaintiff Through: Mr. Rohil Bansal and Mr. Swastik Bisarya, Advocates.

versus MR. SHAJAN SKARIAH & ORS. Defendants Through: Mr. Sarthak Mehrotra, Mrs. Surbhi Kapoor, Advocates for D-1.

Mr. Aditya Gupta, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. An adjournment slip has been moved on behalf of the plaintiff.
2. List on 27.08.2024.
3. Interim orders to continue.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~15 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 747/2022 with I.As. 20102/2022, 3663/2023, 4679/2023 SONIA SAHNI & ANR. Plaintiffs Through: Mr. Tushar Mahajan, Advocate versus SMT KAMLESH KAPOOR & ORS. Defendants Through: Ms. Raavi Birbal, Advocate for D-2 and 3.

Mr. Sagar Nandwani and Ms. Aishwarya, Advocates for D-4 and D-5.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Learned counsel for the parties submit that the matter is still pending with the Delhi High Court Mediation and Conciliation Centre and is listed on 17.05.2024.
2. List this matter on 10th July, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~16 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 164/2024 with I.As. 4584-85/2024 SUDHIR SETHI & ANR. Plaintiffs Through: Mr. Akshit Navaney, Advocate versus ALKA SETHI & ANR. Defendants Through: Ms. Vandana Khurana, Advocate for D-1.

Mr. Dheeraj Gupta, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Learned counsel for the plaintiff submits that the plaintiff is admitted in the hospital and therefore steps could not be taken for the execution of the commission through the Local Commissioner appointed by this Court vide order dated 28.02.2024
2. Let the commission be executed.
3. List this matter before the learned Joint Registrar for completion of service and pleadings on 4th July, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~17 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 101/2019 and I.A. 8551/2023 NORTHERN RAILWAY Petitioner Through: Mr. R. Mishra and Mr. M.K. Tiwari, Advocates.

versus M/S GANGOTRI ENTERPRISES LTD. Respondent Through: Mr. Sanjeev Mahajan, Mrs. Sarika V Mahajan, Mr. Pranjal Tandon, Advocates for respondent.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Written submissions on behalf of both the parties are on record. Let the same be exchanged.
2. An adjournment has been sought on behalf of the petitioner.
3. List on 30th August, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~18 * IN THE HIGH COURT OF DELHI AT NEW DELHI + OMP (ENF.) (COMM.) 169/2022 M/S GANGOTRI ENTERPRISES LTD. Decree Holder Through: Mr. Sanjeev Mahajan, Mrs. Sarika V Mahajan, Mr. Pranjal Tandon, Advocates.

versus M/S NORTHERN RAILWAY Judgement Debtor Through: Mr. R. Mishra and Mr. M.K. Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. Learned counsel for the decree holder submits that vide Order dated 05.09.2022, Judgement Debtor was directed to file the affidavit of assets, however, the same has not been filed till date.
2. The judgment debtor is directed to file the affidavit of assets within two weeks with advance copy to the other side.
3. List on 30th August, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~23 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 88/2024 with I.As. 3616-19/2024 DELHI JAL BOARD Petitioner Through: Ms. Richa Kapoor, Mr. Kunal Anand and Ms. Kriti Gera, Advocates.

versus MALVIYA NAGAR WATER SERVICES PVT LTD Respondent Through: Mr. Akhilesh Arora, Advocate.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. The petitioner has not filed the written submissions in terms of order dated 02.04.2024.
2. Let written submissions be positively filed within two weeks with the advance copy to the learned counsel for respondent.
3. Both the parties have informed that respondent has filed Enforcement Petition being O.M.P. (Enf.) No. 103/2024 and the same has been transferred to this Court, which is now listed on 12.07.2024.
4. Let this matter be also listed on 12th July, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30

\$~24 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(I) (COMM.) 307/2023 with I.As. 18179/2023, 9968/2024 SHRI BHARAT KAUSHAL & ORS. Petitioners Through: Mr. Ninad Dogra, Advocate.

MUKTI DATTA

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024

1. An adjournment has been sought on behalf of the respondent for filing the reply.
2. Let reply be filed within four weeks with advance copy to the learned counsel for the petitioner. The petitioner may also file the rejoinder, if any.
3. List on 25th September, 2024.
4. Interim order to continue.

DINESH KUMAR SHARMA, J MAY 13, 2024 PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(MISC.)(COMM.) 382/2024 VR MALWA PRIVATE LIMITED Petitioner Through: Mr. Hardeep Sachdeva, Mr. Abhyudai Singh, Ms. Swati Sharma and Mr. Mukund Rawat, Advocates.

versus

CHAT AROMA

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 13.05.2024 I.A. 10833/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of accordingly.

O.M.P.(MISC.)(COMM.) 382/2024

3. The present petition has been filed under Section 29A (4) of the Arbitration and Conciliation Act, 1996 seeking extension of mandate of the Arbitral Tribunal.

4. Learned counsel for the petitioner submits that the mandate of the learned Arbitrator has expired on 29.01.2024.

5. Issue notice to the respondent through all permissible modes, returnable on 22nd May, 2024.

DINESH KUMAR SHARMA, J MAY 13, 2024/PB This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~1 * IN THE HIGH COURT OF DELHI AT NEW DELHI KSB LTD.

..... Petitioner Through: Mr. Amit Gupta and Mr. Shiv Verma, Advocates.

versus RAMAGUNDAM FERTILIZERS AND CHEMICALS LTD.

..... Respondent Through: Counsel for respondent.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 Both the parties submit that the matter is pending before the learned mediator and the parties are at the advance stage of settlement.

List on 27.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~2 * IN THE HIGH COURT OF DELHI AT NEW DELHI SHUBHAM PRATAP SINGH Petitioner Through: Mr. Deepak Sharma and Mr. Karthik Sharma, Advocates.

versus BLUE FROG SOLUTION (OPC) Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 Learned counsel for the petitioner submits that the matter has been settled between the parties and only MOU is to be signed.

Let the MOU be placed on record. List on 21.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI BAJAJ FINANCE LIMITED Petitioner Through: Ms. Shally Bhasin, Mr. Prateek Gupta and Mr. Prateek Yadav, Advocates.

versus KARVY STOCK BROKING LTD Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of an arbitrator to adjudicate the disputes inter se between the parties.

2. The petitioner is a public limited company incorporated under the provisions of the Companies Act, 1956 and registered with the Reserve Bank of India („RBI) as a deposit taking „non-banking financial institution , engaged in the business of lending and allied activities. The petitioner has submitted that the respondent is an expelled trading member/stock broker of the National Stock Exchange of India Limited („NSE) and BSE Limited („BSE).

3. Learned counsel for the petitioner submits that the petitioner had This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 advanced a financial facility to the respondent as follows:

Sanction Existing Top-up (Rs.in Total Sanction Letter/Agreement Sanction (Rs.in Crores) (represents the Date Crores) aggregate limit) (Rs.in Crores)

4. The petitioner has filed copies of Loan Agreements, including Sanction Letters, Power of Attorneys, Demand Promissory Notes and Letters of Continuity for the aforesaid transactions pertaining to the Financial Facility. Learned counsel submits that as per terms of Loan Agreements, more particularly „Article IV, Covenants, Representations and Warranties , it was specifically represented that the securities offered by respondent no.1 to the petitioner towards the disbursement of the Financial Facility, were the absolute property of respondent no.1. The respondent no.1 has already provided a written undertaking stating that the securities lying in the KSBL Account were absolutely owned by respondent no.1 and did not belong to any of its clients/constituents. The undertaking was taken This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 to ensure that there are no complications in the event of default or enforcing the securities so offered by the borrower. The petitioner has submitted that unlike any immoveable property, the shares in the demat account are fungible and the lender only relies upon the demat account statement and the statement from the depositories which provides the names of the beneficial owner of shares.

5. The petitioner has submitted that in and around October-November 2019, there were persistent defaults committed by the respondent in maintaining the required margin in the Loan Account. The petitioner submits that during the period several emails were addressed by the petitioner to the respondent, intimating them of the margin shortfall and calling upon the respondent to make good the margin shortfall either by pledging additional securities or to make cash payment under the Financial Facility. Since the respondent did not come forward, loan recall dues was sent to the respondent to repay the total outstanding in the sum of Rs.344,49,81,608/- within a period of three days, failing which the petitioner would exercise its remedies under the Loan Agreements. The petitioner has submitted that on November 22, 2019, basis a preliminary report of NSE, which highlighted various non-compliances of the SEBI Regulations committed by the respondent with respect to pledging/misuse of client securities, the Whole Time Member, SEBI passed an ex-parte Ad-interim order with the following directions:

"21. Under the above circumstances, I, in exercise of powers conferred upon me under Sections 11(1), 11(4) and 11B read with Section 19 of the SEBI Act, 1992 and Regulation 35 of SEBI (Intermediaries) Regulations, 2008, by way of this ex parte Advocate interim order, pending forensic audit, hereby issue the following directions:

This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30

(i) KSBL is prohibited from taking new clients in respect of its stock broking activities;

(ii) The Depositories i.e. NSDL and CDSL, in order to prevent further misuse of clients securities by KSBL, are hereby directed not to act upon any instruction given by KSBL in pursuance of power of attorney given to KSBL by its clients, with immediate effect;

(iii) The Depositories shall monitor the movement of securities into and from the DP account of clients of KSBL as DP to ensure that clients operations are not affected;

(iv) The Depositories shall not allow transfer of securities from DP account no. 11458979, named KARVY STOCK BROKING LTD (BSE) with immediate effect. The transfer of securities from DP account no. 11458979, named KARVY STOCK BROKING LTD (BSE) shall be permitted only to the respective beneficial owner who

has paid in full against these securities, under supervision of NSE; and

(v) The Depositories and Stock Exchanges shall initiate appropriate disciplinary regulatory proceedings against the Noticee for misuse of clients funds and securities as per their respective bye laws, rules and regulations."

6. The petitioner, in view of the aforesaid description addressed letters/representations, to SEBI and NSDL, seeking permission to invoke the pledge and sell the securities in KSBL Account. However, no response was received therefore petitioner preferred Appeal (L) No.585 of 2019 before the Securities Appellate Tribunal („SAT) seeking to set aside the directions contained in paragraph 21(iv) of the ad-interim order, amongst other ancillary and incidental reliefs.

7. The petitioner has submitted that vide order dated December 3, 2019 and December 9, 2019 the SAT directed SEBI to pay the petitioner. In the interim, further transfer of securities from the KSBL Account, in terms of paragraph 21(iv) of the SEBI Ad-interim order was suspended. However, the SEBI vide order dated December 13, 2019 dismissed the representations made by the petitioner.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30

8. Learned counsel for the petitioner submits that this order was challenged by the petitioner before the SAT and SAT has allowed the appeal, however, depositories has challenged this before the Supreme Court. The petitioner has submitted that on 23.11.2020, NSE declared the respondent as a defaulter and expelled the respondent from membership. Similarly, BSE also declared respondent no.1 as a default and expelled respondent no.1 from its membership on 24.11.2020.

9. The petitioner invoked the arbitration clause on 18.01.2023. Learned counsel submits that the petitioner has neither responded to Loan recall notice nor to the invocation.

10. Learned counsel submits that as per loan agreement, sole arbitrator was to be appointed by the petitioner however, in view of judgment of Perkins Eastman vs. HSCC, 2019, SCC Online, SC 1517, the petitioner has invoked jurisdiction of this Court for appointment of an arbitrator.

11. Summons was sent to the respondent.

12. As per office note dated 11.03.2024, ordinary process was returned with the remarks "received after date of hearing". However, the petitioner has filed the affidavit of service alongwith receipt and tracking report.

13. Perusal of the record indicates that as per affidavit of service, the respondent has been served through speed post. However, the courier has been received back.

14. The email has been sent at Compsec@karvy.com. Let the petitioner file a fresh affidavit within authenticated email ID on which email has been sent. In the meanwhile, the petitioner is directed to send the fresh process on the email service @ karvy.com as appearing on a certificate issued by V. Saleja, company secretary on 28.08.2019.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30

15. Let process be given dasti.

16. List on 21.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30
\$~27 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(I) (COMM.) 121/2024, I.A. 8981/2024 M/S GAIL (INDIA) LTD Petitioner Through: Mr. Dhrubajit Saikia, Advocate.

versus GUJARAT STATE FERTILIZERS AND CHEMICALS LTD Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 Learned counsel for the petitioner submits that similar matters bearing OMP (I) (COMM) 138/2024 to 141/2024 between the same parties are pending before Hon ble Ms. Justice Pratibha M. Singh.

Let the matter be listed on 16.05.2024 before Hon ble Judge In-charge (Original Side).

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~29 to 33 * IN THE HIGH COURT OF DELHI AT NEW DELHI SATNAM ENTERPRISES PRIVATE LIMITED Petitioner Through: Mr. Tanmaya Mehta and Ms. Rashmi Gogoi, Advocates.

versus UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

..... Respondent Through:

SATNAM ENTERPRISES PRIVATE LIMITED Petitioner Through: Mr. Tanmaya Mehta and Ms. Rashmi Gogoi, Advocates.

versus UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

..... Respondent Through:

SATNAM ENTERPRISES PRIVATE LIMITED Petitioner Through: Mr. Tanmaya Mehta and Ms. Rashmi Gogoi, Advocates.

versus This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

..... Respondent Through:

SATNAM ENTERPRISES PRIVATE LIMITED Petitioner Through: Mr. Tanmaya Mehta and Ms. Rashmi Gogoi, Advocates.

versus UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

..... Respondent Through:

SATNAM ENTERPRISES PRIVATE LIMITED Petitioner Through: Mr. Tanmaya Mehta and Ms. Rashmi Gogoi, Advocates.

versus UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

..... Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 I.A. 10896/2024 (exemption) in ARB.P. 634/2024 This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 I.A. 10897/2024 (exemption) in ARB.P. 635/2024 I.A. 10898/2024 (exemption) in ARB.P. 636/2024 I.A. 10899/2024 (exemption) in ARB.P. 637/2024 I.A. 10900/2024 (exemption) in ARB.P. 638/2024 Exemptions allowed, subject to all just exceptions. The applications stand disposed of. ARB.P. 634/2024, ARB.P. 635/2024, ARB.P. 636/2024, ARB.P. 637/2024,

1. By way of the present petitions filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the „A&C Act), the petitioner seeks appointment of Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.

2. Learned counsel for the petitioner submits that there are five separate agreement with the respondent which are followed by five different agreement and addendum. Learned counsel submits that these are basically joint development agreement. He submits that Clause 20 of all the agreement contained arbitration clause with jurisdiction of Delhi. He submits that arbitration has been duly invoked vide invocation notice dated 21.12.2022.

3. Issue notice to the respondent by all permissible, returnable on 27.05.2024.

5. In the meantime, reply, if any, be filed by the respondent.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~34 * IN THE HIGH COURT OF DELHI AT NEW DELHI + ARB.P. 214/2024 & I.A. 3820/2024 PNB HOUSING FINANCE LIMITED Petitioner Through: Ms. Jasmine Damkewala, Ms Vaishali Sharma, Mr. Divyam Khera, Advocates.

versus PRAFULLA SUBHASHCHANDRA BHAT & ORS.

..... Respondents Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 Learned counsel for the petitioner seeks a short adjournment to place certain documents on record.

Let the same be brought on record. List on 20.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~36 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(MISC.)(COMM.) 384/2024 SP SINGLA CONSTRUCTIONS PVT LTD Petitioner Through: Mr. Anirudh Wadhwa and Mr. Shashwat Awasthi, Advocates.

versus STATE OF JHARKHAND & ANR.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 I.A. 10888/2024 (for exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of. O.M.P.(MISC.)(COMM.) 384/2024

1. The present petition under Sections 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996 has been filed seeking extension of time-limit of the arbitration proceedings.

2. Learned counsel submits that mandate expired on 03.12.2023.

3. It has been submitted that arbitration is at the stage of framing of issues.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30

4. Issue notice to the respondent through all permissible modes, returnable on 22.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30
\$~37 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 166/2024 BGR MINING AND INFR LIMITED Petitioner Through: Mr. Dayan Krishnan, Sr. Advocate with Dr. Amit George, Mr. Piyo Harold Jaiman and Mr. Arun G., Advocates.

versus NTPC LIMITED & ANR.

..... Respondents Through: Mr. Puneet Taneja, Mr. Manmohan Singh and Mr. Amit Yadav, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 I.A. 10978/2024 (early hearing) Learned senior counsel for the petitioner submits that he does not want to press the present application as the matter is already listed on 28.05.2024 and seeks permission to withdraw the present application.

In view of above, the present application is dismissed as withdrawn.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~38 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(COMM) 31/2024 POLOTRIPS INDIA PVT. LTD. & ANR.

KARNATAKA BANK LIMITED & ORS.

Mr. Amit Dhall Advocate for the D-2 & 6.

Mr. Santosh Kumar Rout and Ms. Dharna Veragi, Advocates for D-5.

Ms. Kiran Bharadwaj, AOR (Advocate) for M/s Deep Engineering Works Pvt. Ltd.) in I.A. 4423/2024.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 14.05.2024 I.A. 10754/2024 (exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of I.A. 10753/2024 (Seeking Modification of order dated 02.05.2024)

1. The present application under Section 152 of Code of Civil Procedure 1908 has been moved for modification of order dated 02.05.2024 with the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 following prayer:

"a. To allow this present application seeking rectification in the order dated 02.05.2024 passed by this Hon'ble Court. b. To fix the next date of hearing 27.05.2024 before the Joint Registrar (judicial) in place of 31.05.2024 and to fix the next date of hearing 31.05.2024 before this Hon'ble Court on the urgency of the Applicant as per facts and circumstance mentioned above. ☐ Pass any other or

further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. In view of submissions made, the present application is allowed and the order dated 02.05.2024 is modified accordingly.

3. Let the matter be placed before Court on 31.05.2024.

DINESH KUMAR SHARMA, J MAY 14, 2024/ssc/DG This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~22 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(I) 5/2023 DR RAHUL BHAYANA Petitioner Through: Mr. Anshu Mahajan, Adv versus DR ROHIT BHAYANA & ANR. Respondents Through: Ms. Kanika Agnihotri, Mr. Tarun Sharma, Mr. Tarun Mehta, Mr. Rohit Kumar, Advs. for R-2 Respondent No.1 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 List on 31.07.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~21 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 256/2023, I.A. 13206/2023 DELHI DEVELOPMENT AUTHORITY Petitioner Through: Mr. Shashi Pratap Singh, Mr. Sparsh Agarwal, Advs.

versus Y.D. BUILDERS AND HOTELS PVT LTD Respondent Through: Mr. Bipin Kr. Prabhat, Mr. Bhola Dayal, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 List on 12.09.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~20 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 41/2021 OSAKA ALLOYS AND STEELS PVT LTD Petitioner Through: Mr. Yogendra Aldak and Ms. Rashi Srivastava, Advs,(VC)

versus MSTC LTD Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 List on 08.08.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~15 and 16 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P. (COMM) 471/2020 + O.M.P. (COMM) 472/2020 BHARAT HEAVY ELECTRICALS LIMITED Petitioner Through: Ms. Pallavi Kumar and Mr. Pallav Kumar and Ms. Bitisha Singh Advs.(VC) versus VASAVI POWER SERVICES PVT LTD Respondent Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 I.A. 8022/2024 in O.M.P. (COMM) 471/2020 I.A. 7988/2024 in O.M.P. (COMM) 472/2020 List on 07.08.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~11 and 12 * IN THE HIGH COURT OF DELHI AT NEW DELHI INDIAN RAILWAY CATERING & TOURISM CORP. LTD.

..... Petitioner Through: Mr. S.S. Sisodia, Mr. Saurav Kr.

Singh, Ms. Muskan Rawley, Mr. Moksh Kataria, Advs versus M/S AMBUJ HOTEL & REAL ESTATE (P) LTD Respondent Through: Mr. Anshuman Chaudhary, Adv.(VC) + O.M.P. (COMM) 179/2017 M/S AMBUJ HOTELS AND REAL ESTATE(P) LTD Petitioner Through: Mr. Anshuman Chaudhary, Adv.(VC) versus INDIAN RAILWAY CATERING AND TOURISM CORPN LTD Respondent Through: Mr. S.S. Sisodia, Mr. Saurav Kr.

Singh, Ms. Muskan Rawley, Mr. Moksh Kataria, Advs CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 I.A. 13696/2019, I.A. 13697/2019 in O.M.P. 361/2008 I.A. 13698/2019, I.A. 13699/2019 in O.M.P. (COMM) 179/2017 List on 17.09.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024/Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~8 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 446/2021, I.A. 12148/2021, I.A. 2675/2023 ZEBA & ANR. Plaintiffs Through: Ms. Preeti Singh, Mr. Sunklan Porwal, Ms. Shefali M., Advs versus SALIMAN & ORS. Defendants Through: Mr. Umesh Sharma, Mr. Sumit Chaudhary, Mr. M. K. Gaur, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 List on 16.08.2024.

DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30 \$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 312/2021, I.A. 8262/2021, I.A. 10315/2021, I.A. 15870/2022 BALDEEP SINGH @ RAJA Plaintiff Through: Mr. Maroof Ahmad, Mr. Bahar U. Barqu, Advs.

versus HARNEEK SINGH & ORS.

..... Defendant Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA ORDER % 16.05.2024 List on 06.09.2024 DINESH KUMAR SHARMA, J MAY 16, 2024 Pallavi This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/05/2024 at 21:19:30