

Asian Hotels (North) Limited vs Alok Kumar Lodha on 12 October, 2020

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw, Asha Menon

\$~14 to 79

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ RFA(OS)(COMM) 12/2020 C.M. No. 16942/2020 (for stay)
ASIAN HOTELS (NORTH) LIMITED Appellant
versus
ALOK KUMAR LODHA Respondent
AND
+ RFA(OS)(COMM) 13/2020 C.M. No. 16950/2020 (for ex parte ad interim
injunction) C.M. No. 20009/2020 (under Section 8 of Arbitration and
Conciliation Act) of the respondent
ALOK KUMAR LODHA ... Appellant
versus
ASIAN HOTELS (NORTH) LIMITED Respondent
AND
+ RFA(OS)(COMM) 14/2020 C.M. No. 16964/2020 (for ex parte ad interim
injunction)
CHARU LODHA Appellant
Versus
ASIAN HOTELS (NORTH) LTD. Respondent
AND
+ RFA(OS)(COMM) 15/2020 C.M. No. 16974/2020 (for ex-parte ad interim
injunction) C.M. No. 20005/2020 (under Section 8 of Arbitration and
Conciliation Act)
SITAL DASS JEWELLERS Appellant
versus
ASIAN HOTELS (NORTH) LIMITED Respondent
AND
+ RFA(OS)(COMM) 16/2020 C.M. No. 16979/2020 (for interim relief) C.M.
No. 20012/2020 (under Section 8 of Arbitration and Conciliation Act)
SATISH KHOSLA & ANR. Appellants
versus
ASIAN HOTELS (NORTH) LIMITED Respondent
AND
+ RFA(OS)(COMM) 17/2020 C.M. No. 16983/2020 (for ex parte ad interim
injunction) C.M. No. 20014/2020 (under Section 8 of Arbitration and
Conciliation Act)
SWEETY SURI Appellant
Versus
ASIAN HOTELS (NORTH) LIMITED Respondent
AND

RFAs(OS)(COMM) No.12 to 77 of 2020

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- + RFA(OS)(COMM) 18/2020 C.M. No. 16988/2020 (for interim relief) C.M. No. 20007/2020 (under Section 8 of Arbitration and Conciliation Act)
DHARAMVIR KHOSLA Appellant
- Versus
- ASIAN HOTELS (NORTH) LIMITED Respondent
- AND
- + RFA(OS)(COMM) 19/2020 C.M. No. 16993/2020 (for stay)
ASIAN HOTELS (NORTH) LIMITED Appellant
- versus
- SATISH KHOSLA & ANR. Respondents
- AND
- + RFA(OS)(COMM) 20/2020 C.M. No. 17000/2020 (for stay)
ASIAN HOTELS (NORTH) LIMITED Appellant
- versus
- SITAL DASS JEWELLERS Respondent
- AND
- + RFA(OS)(COMM) 21/2020 C.M. No. 17726/2020 (for stay) & CM APPL. 17730/2020 (under Section 8 of Arbitration and Conciliation Act, 1996)
ASIAN HOTELS (NORTH) LTD Appellant
- versus
- CHARU LODHA Respondent
- AND
- + RFA(OS)(COMM) 22/2020 C.M. No. 17732/2020 (for stay) & CM APPL. 17737/2020 (under Section 8 of Arbitration and Conciliation Act)
ASIAN HOTELS (NORTH) LTD Appellant
- versus
- TEHMINA SEN Respondent
- AND
- + RFA(OS)(COMM) 23/2020 C.M. No. 17744/2020 (for ex-parte ad interim injunction)
H.S. NAG AND ORS. Appellants
- versus
- ASIAN HOTELS (NORTH) LTD. Respondent
- AND
- + RFA(OS)(COMM) 24/2020 C.M. No. 17750/2020 (for stay) & CM APPL. 17753/2020 (under Section 8 of Arbitration and Conciliation Act)
ASIAN HOTELS (NORTH) LTD Appellant
- versus
- SULTAN AHMED Respondent
- AND
- RFA(S)(OS)(COMM) No.12 to 77 of 2020 Page 2 of 12
- + RFA(OS)(COMM) 25/2020 C.M. No. 17756/2020 (for ex-parte ad interim injunction)
TEHMINA SEN Appellant
- Versus
- ASIAN HOTELS (NORTH) LTD Respondent
- AND
- + RFA(OS)(COMM) 26/2020 C.M. No. 17763/2020 (for ex-parte ad interim injunction)
RAM KRISHAN ASSOCIATES PVT. LTD. Appellant

	Versus	
	ASIAN HOTELS (NORTH) LTD.	..... Respondent
	AND	
+	RFA(OS)(COMM) 27/2020 C.M. No. 17770/2020 (for ex-parte ad interim injunction)	
	SITAL DASS SONS	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LTD.	..... Respondent
	AND	
+	RFA(OS)(COMM) 28/2020 C.M. No. 17777/2020 (for ex-parte ad interim injunction)	
	SHANTI VIJAY JEWELS	..... Appellant
	versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 29/2020 C.M. No. 17783/2020 (for stay) & CM APPL. 17786/2020 (under Section 8 of Arbitration and Conciliation Act)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	SITAL DASS SONS	..... Respondent
	AND	
+	RFA(OS)(COMM) 30/2020 C.M. No. 17803/2020 (for ex-parte ad interim injunction)	
	SULTAN AHMED	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 31/2020 C.M. No. 17820/2020 (for stay)	
	ASIAN HOTELS NORTH LIMITED	.... Appellant
	Versus	
	SHANTI VIJAY JEWELS	..... Respondent
	AND	
RFAs(OS)(COMM) No.12 to 77 of 2020		Page 3 of 12
+	RFA(OS)(COMM) 32/2020 & CM APPL. 19312/2020 (under Section 8 of Arbitration and Conciliation Act, 1996)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	versus	
	SWEETY SURI	.... Respondent
	AND	
+	RFA(OS)(COMM) 33/2020 & CM APPL. 19317/2020 (under Section 8 of Arbitration and Conciliation Act, 1996)	
	ASIAN HOTELS (NORTH) LTD	.... Appellant
	versus	
	DHARAMVIR KHOSLA	..... Respondent
	AND	
+	RFA(OS)(COMM) 34/2020 & CM APPL. 19321/2020 (under Section 8 of Arbitration and Conciliation Act, 1996)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	versus	
	CRAFTO	..... Respondent
	AND	
+	RFA(OS)(COMM) 35/2020	

	SHREE KHANNA GEMS	..... Appellant
	versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 36/2020 V.P. SACHDEV	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 37/2020 ABHUSHAN	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 38/2020 & CM No.20441/2020 (under Section 8 of Arbitration and Conciliation Act, 1996)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	ABHUSHAN	..... Respondent
	AND	
	RFA(OS)(COMM) No.12 to 77 of 2020	Page 4 of 12
+	RFA(OS)(COMM) 39/2020 & CM No.20444/2020 (under Section 8 of Arbitration and Conciliation Act)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	BEENA JAIN	..... Respondent
	AND	
+	RFA(OS)(COMM) 40/2020 & CM No.20448/2020 (under Section 8 of Arbitration and Conciliation Act)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	SHREE KHANNA GEMS	.... Respondent
	AND	
+	RFA(OS)(COMM) 41/2020 & CM No.20513/2020 (under Section 8 of Arbitration and Conciliation Act)	
	ASIAN HOTELS(NORTH)LTD	..... Appellant
	Versus	
	REGENCY JEWELLERS	..... Respondent
	AND	
+	RFA(OS)(COMM) 42/2020 & CM No.20739/2020 (under Section 8 of Arbitration and Conciliation Act)	
	ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	V.P. SACHDEV	..... Respondent
	AND	
+	RFA(OS)(COMM) 43/2020 AJAY KUMAR RASTOGI	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent

	AND	
+ RFA(OS)(COMM) 44/2020		
J H JEWELLERS		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED		..... Respondent
	AND	
+ RFA(OS)(COMM) 45/2020		
BEENA JAIN		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED	 Respondent
	AND	
RFA(S)(OS)(COMM) No.12 to 77 of 2020		
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+ RFA(OS)(COMM) 46/2020		
RAJESH JAIN	 Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED	 Respondent
	AND	
+ RFA(OS)(COMM) 47/2020		
MEENA RASTOGI		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED		..... Respondent
	AND	
+ RFA(OS)(COMM) 48/2020		
KASHMIR CARPET INDUSTRIES EMPORIUM		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED		..... Respondent
	AND	
+ RFA(OS)(COMM) 49/2020		
KASHMIR CARPET PALACE		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED		..... Respondent
	AND	
+ RFA(OS)(COMM) 50/2020		
REGENCY JEWELLERS		..... Appellant
	Versus	
ASIAN HOTELS (NORTH) LIMITED		..... Respondent
	AND	
+ RFA(OS)(COMM) 51/2020 & CM No.22130/2020	(under Section 8 of	
Arbitration and Conciliation Act)		
ASIAN HOTELS (NORTH) LTD		..... Appellant
	Versus	
J.H. JEWELLERS		..... Respondent
	AND	
+ RFA(OS)(COMM) 52/2020 & CM No.22133/2020	(under Section 8 of	
Arbitration and Conciliation Act)		
ASIAN HOTELS (NORTH) LTD	 Appellant
	Versus	
AJAY KUMAR RASTOGI	 Respondent

AND

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+	RFA(OS)(COMM) 53/2020 NATIONAL COTTAGE EMPORIUM Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED Respondent
	AND	
+	RFA(OS)(COMM) 54/2020 & CM No.22143/2020 (under Section 8 of Arbitration and Conciliation Act) ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	MAHARANI OF INDIA	..... Respondent
	AND	
+	RFA(OS)(COMM) 55/2020 SHAW ART PALACE	..... Appellant
	Versus	
	ASIAN HOTELS (NORTH) LIMITED	..... Respondent
	AND	
+	RFA(OS)(COMM) 56/2020 & CM No.22149/2020 (under Section 8 of Arbitration and Conciliation Act) ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	SYED MUJTABA SHAH	..... Respondent
	AND	
+	RFA(OS)(COMM) 57/2020 & CM No.22152/2020 (under Section 8 of Arbitration and Conciliation Act) ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	RAJESH JAIN	..... Respondent
	AND	
+	RFA(OS)(COMM) 58/2020 & CM No.22155/2020 (under Section 8 of Arbitration and Conciliation Act) ASIAN HOTELS (NORTH) LTD	..... Appellant
	Versus	
	B L KAPOOR & ANR.	..... Respondents
	AND	
+	RFA(OS)(COMM) 59/2020 & CM No.22158/2020 (under Section 8 of Arbitration and Conciliation Act) ASIAN HOTELS (NORTH) LTD Appellant
	Versus	
	MEENA RASTOGI Respondent

AND

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+	RFA(OS)(COMM) 60/2020 ARUN KUMAR JAIN Appellant
	Versus	
	ASIAN HOTELS(NORTH) LTD. Respondent
	AND	

- + RFA(OS)(COMM) 61/2020
FAROOQ AHMED & ANR. Appellants
Versus
ASIAN HOTELS NORTH LIMITED Respondent
AND
- + RFA(OS)(COMM) 62/2020
JAIPUR JEWEL PALACE & ANR. Appellants
Versus
ASIAN HOTELS (NORTH) LTD Respondent
AND
- + RFA(OS)(COMM) 63/2020
CRAFTO Appellant
Versus
ASIAN HOTELS (NORTH) LTD. Respondent
AND
- + RFA(OS)(COMM) 64/2020
SUGEET BALA AHUJA Appellant
Versus
ASIAN HOTELS (NORTH) LTD. Respondent
AND
- + RFA(OS)(COMM) 65/2020
B.L KAPOOR & ANR. Appellants
Versus
ASIAN HOTELS NORTH LIMITED Respondent
AND
- + RFA(OS)(COMM) 66/2020
SYED MUJTABA SHAH Appellant
Versus
ASIAN HOTELS NORTH LIMITED Respondent
AND
- + RFA(OS)(COMM) 67/2020
MAHARANI OF INDIA Appellant
Versus
ASIAN HOTELS NORTH LIMITED Respondent

AND

- RFA(S)(COMM) No.12 to 77 of 2020 Page 8 of 12
- + RFA(OS)(COMM) 68/2020 & CM No.22596/2020 (under Section 8 of Arbitration and Conciliation Act)
ASIAN HOTELS (NORTH) LTD Appellant
Versus
KASHMIR CARPET INDUSTRIES EMPORIUM Respondent
AND
- + RFA(OS)(COMM) 69/2020 & CM No.22599/2020 (under Section 8 of Arbitration and Conciliation Act)
ASIAN HOTELS (NORTH) LTD Appellant
Versus
SHAW ART PALACE Respondent
AND
- + RFA(OS)(COMM) 70/2020 & CM No.22602/2020 (under Section 8 of

Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

ARUN KUMAR JAIN Respondent

AND

+ RFA(OS)(COMM) 71/2020 & CM No.22605/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

RAM KRISHAN ASSOCIATES PVT LTD Respondent

AND

+ RFA(OS)(COMM) 72/2020 & CM No.22608/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

NATIONAL COTTAGE EMPORIUM Respondent

AND

+ RFA(OS)(COMM) 73/2020 & CM No.22611/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

FAROOQ AHMED & ANR. Respondents

AND

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+ RFA(OS)(COMM) 74/2020 & CM No.22614/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

H. S. NAG & ORS. Respondents

AND

+ RFA(OS)(COMM) 75/2020 & CM No.22617/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

KASHMIR CARPET PALACE Respondent

AND

+ RFA(OS)(COMM) 76/2020, CM Nos.22808/2020 (for stay) & 22811/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

SUGEET BALA AHUJA & ANR. Respondents

AND

+ RFA(OS)(COMM) 77/2020, CM Nos.23373/2020 (for stay) & 23375/2020 (under Section 8 of Arbitration and Conciliation Act)

ASIAN HOTELS (NORTH) LTD Appellant

Versus

JAIPUR JEWEL PALACE

..... Respondent

Counsel for the appellant:

Mr. Mukul Rohatgi, Mr. Sandeep Sethi & Mr. Siddharth Luthra, Sr. Advs. with Dr. Lalit Bhasin, Ms. Nina Gupta, Ms. Ananya Marwah, Ms. Ruchika Joshi & Mr. Ajay Pratap Singh, Advs. for Asian Hotels (North) Ltd.

Mr. Dhruv Mehta, Sr. Adv. with Mr. Yashraj Singh Deora, Mr. Anubhav Ray & Ms. Sonal Mashankar, Advs. for appellants in RFA Nos.16/2020 & 18/2020.

Mr. Avishkar Singhvi, Mr. Nipun Katyal & Ms. Madhavi Khanna, Advs. in RFA (OS) (COMM) Nos.13/2020, 15/2020, 17/2020 & 26/2020.

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Mr. Avishkar Singhvi, Mr. Nipun Katyal, Mr. Dhruv Surana & Ms. Madhavi Khanna, Advs. in RFA (OS) (COMM) Nos.14/2020,23/2020, 25/2020, 26/2020, 27/2020, 28/2020, 30/2020, 35/2020,36/2020,37/2020,43/2020,44/2020,45/2020,46/2020,47/2020, 48/2020,49/2020,53/2020,55/2020,60/2020,61/2020,62/2020,63/2020, 64/2020,65/2020,66/2020&67/2020.

Mr. Vivek Prasad Gupta, Adv. for appellant in RFA(OS)(COMM) No.50/2020.

Counsel for the respondents:

Mr. Mukul Rohatgi, Mr. Sandeep Sethi & Mr. Siddharth Luthra, Sr. Advs. with Dr. Lalit Bhasin, Ms. Nina Gupta, Ms. Ananya Marwah, Ms. Ruchika Joshi & Mr. Ajay Pratap Singh, Advs. for Asian Hotels (North) Ltd.

Mr. Dhruv Mehta, Sr. Adv. with Mr. Yashraj Singh Deora, Mr. Anubhav Ray & Ms. Sonal Mashankar, Advs. for respondent in RFA No.19/2020 & 33/2020.

Mr. Avishkar Singhvi, Mr. Nipun Katyal, Mr. Dhruv Surana & Ms. Madhavi Khanna, Advs. in RFA (OS) (COMM) Nos. 12/2020,20/2020,21/2020,22/2020,24/2020,29/2020,31/2020, 32/2020, 33/2020,34/2020,38/2020,39/2020,40/2020,42/2020,51/2020,52/2020, 54/2020,56/2020,57/2020,58/2020,59/2020,68/2020,69/020,70/2020,7 1/2020,72/2020&73/2020,74/2020,75/2020,76/2020&77/2020.

Mr. Vivek Prasad Gupta, Adv. for respondent in RFA(OS)(COMM) No.41/2020.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 12.10.2020 [VIA VIDEO CONFERENCING]

1. Mr. Dhruv Mehta, senior counsel for the occupants has concluded his arguments. Mr. Avishkar Singhvi, Advocate also for the occupants has also been heard.
2. Mr. Sidharth Luthra, Senior Advocate for Asian Hotels (North) Ltd. has also been heard.
3. List for arguments of Dr. Lalit Bhasin, Advocate, also on behalf of Asian Hotels (North) Ltd., as well as rejoinder arguments of Mr. Mukul Rohatgi and Mr. Sandeep Sethi, senior counsels, on 6th November, 2020.
4. Dr. Lalit Bhasin has also pleaded that the occupants have again written to the collaborators of the Asian Hotels (North) Ltd..
5. The said letters be placed on record. Arguments on the said aspect shall also be heard on the next date.
6. The application, if any filed in this regard be taken on record.
7. List on 6th November, 2020.

RAJIV SAHAI ENDLAW, J ASHA MENON, J OCTOBER 12, 2020 ck