

Telefonaktiebolaget Lm Ericsson Publ vs Intex Technologies India Limited on 10 January, 2024

Author: Jasmeet Singh

Bench: Jasmeet Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI
EX.P. 3/2024

TELEFONAKTIEBOLAGET LM ERICSSON PUBL

Through: Mr Mukul Rohatgi, Sr. Adv.
Sethi, Sr. Adv. with Mr Ash
Vinod Chauhan, Ms Vrinda Ba
Pareva, Ms Devanshi Singh,
Ms Misha Rohatgi Mohta, Mr
Ms Shreya Sethi, Advs.

versus

INTEX TECHNOLOGIES INDIA LIMITED

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER

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10.01.2024

EX.APPL.(OS) 39/2024

1. Exemption is granted subject to all just exceptions.

2. The decree-holder shall file legible and clearer copies of exempted documents, complaint with practice rules before the next date of hearing.

3. The application is disposed of.

EX.P. 3/2024 & EX.APPL.(OS) 38/2024

4. This is an execution petition seeking realization of the amount pursuant to the Order/Judgment dated 29.03.2023 passed in FAO(OS)(COMM) 296/2018 and FAO(OS)(COMM) 297/2018 read with Order/Judgment dated 13.03.2015 passed in I.A. 6735/2014 in CS(OS) 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 25/01/2024 at 04:34:56 1045/2014 (Later renumbered as CS(COMM) 769/2016), by selling the moveable and immovable properties of the Respondent Intex Technologies (India) Limited and person responsible for management of the Respondent- Intex Technologies (India) Limited.

5. It is stated by Mr Rohatgi, learned senior counsel for the decree- holder that pursuant to the Order/Judgment a sum of Rs. 120.36 crores approx. is due and payable to the decree-holder.

6. Issue notice to the judgment-debtor by all modes including electronic on the decree-holder taking requisite steps within one week from today, returnable on 19.02.2024.

EX.APPL.(OS) 37/2024

7. This is an application seeking attachment of properties disclosed in paragraph 4 of the application.

8. Since the amounts are due and payable pursuant to an Order/Judgment and a sum of Rs. 120.36 crores approx. is due and payable to the decree- holder, the four immovable properties mentioned and the bank accounts mentioned in paragraph (c) of the Schedule of Assets shall remain attached till the next date of hearing.

9. In case some reasonable amounts are paid by the judgment-debtor they shall be at liberty to move an application seeking modification of the attachment.

10. List on 19.02.2024.

JASMEET SINGH, J JANUARY 10, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:56 \$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 17/2024 PREFERRED CONSUMER PRODUCTS PRIVATE LIMITED Plaintiff Through: Mr R Jawahar Lal and Mr Anuj Garg, Advs.

versus THE ADVERTISING STANDARDS COUNCIL OF INDIA & ANR. Defendants Through: Ms Avni Singh, Adv. for D-1.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. Exemption is granted subject to all just exceptions.

2. The petitioner shall file legible and clearer copies of exempted documents, complaint with practice rules before the next date of hearing.
3. The application is disposed of.
4. This is an application seeking extension of 14 days time for depositing the requisite court fee of Rs. 2,01,000/-.
5. In view of the submissions made by learned counsel for the plaintiff and for the reasons stated in the application, the same is allowed.
6. Let the requisite court fee be filed within a period of two weeks from today.
7. The application is disposed of accordingly. CS(OS) 17/2024
8. This is a suit for declaration against defendant No.1 declaring that 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 25/01/2024 at 04:34:56 defendant No. 1 has no authority/jurisdiction to exercise any control over the affairs of the plaintiff or to regulate any activity of the plaintiff including issuance of advertisements and/or making claims, using tagline/phases for advertising.

9. It is stated by Mr Lal, learned counsel for the plaintiff that the plaintiff is a manufacturer of detergents and amongst other products which includes a product called „So Klin Smart Detergent Powder . The product has gained popularity and the sale figures have grown from 530.24 lakhs in 2020-2021 to 6,541.75 lakhs in 2022-2023. The defendant No.1 is a private body and comprises of members who have voluntarily opted to be its part.

10. It is further stated by Mr Lal that the control over ASCI can be at best over its members and it can enforce its code only against its members.

11. Admittedly, the plaintiff is not the member of defendant No.1. The plaintiff is aggrieved by an order dated 07.09.2023 wherein the defendant No.1 have found objections to the claim of „Spotless Cleaning made by the plaintiff as well as the guidelines of disclaimer.

12. Mr Lal further states that the defendant No.1 does not have any authority to pass such an order as the plaintiff is not a member of defendant No.1. In addition, he states that the order dated 07.09.2023 has been passed at the behest of defendant No.2 who is a member of defendant No.1.

13. I am of the view that the issue needs consideration.

14. For the said reasons, issue summons.

15. Ms Singh, learned counsel accepts summons on behalf of defendant No.1.

16. Let summons be issued to the defendant No. 2 on the plaintiff taking steps within 1 weeks from today.

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17. The written statement shall be filed within thirty days from the date of receipt of the summons.

18. List before the Joint Registrar on 22.04.2024.

19. List before the Court on 24.05.2024.

20. This is an application filed by the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 of CPC seeking ad interim ex parte stay of the order/direction/recommendation dated 07.09.2023 of defendant No.1.

21. As already noted above, the plaintiff is not a member of defendant No.1. Defendant No.1 does not have any statutory force and is a voluntary organization comprising of its members. The so called code of conduct of defendant No.1 prima facie cannot be applicable to the plaintiff.

22. For the aforesaid reasons, I am of the view that the plaintiff has a prima facie case. The balance of convenience also lies in favour of the plaintiff and against the defendants. In case an ad interim stay, as prayed for, is not granted, the plaintiff will suffer irreparable loss and injury, which cannot be compensated in terms of money.

23. It is therefore directed that the effect and operation of the order/direction/recommendation dated 07.09.2023 of defendant No. 1 shall remain stayed till the next date of hearing.

24. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within one week from today.

JASMEET SINGH, J JANUARY 9, 2024 sr 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 25/01/2024 at 04:34:56
\$~33 * IN THE HIGH COURT OF DELHI AT NEW DELHI + OMP (ENF.) (COMM.) 6/2024 & EX.APPL.(OS) 27/2024 APEX BUILDSYS LTD. Decree Holder Through: Mr Achin Goel, Adv. (through VC) versus TBEA ENERGY INDIA PVT. LTD. Judgement Debtor Through: Mr Vinam Gupta and Mr Aamir Siraj, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. This is a petition seeking execution of the Award dated 04.04.2023 wherein the claims of the decree-holder have been allowed to the tune of Rs. 10 crores with 9% interest. The amount payable as of today is Rs. 21.57 crores.
2. It is stated that the said amount has not been paid.
3. Issue notice.
4. Mr Vinam Gupta, learned counsel accepts notice on behalf of the judgment-debtor and states that none of the assets are situated within the territorial jurisdiction of this Court.
5. He further states that the registered office of the judgment-debtor is at Vadodara, Gujarat. In addition, he states that none of the bank accounts of the judgment-debtor are situated in Delhi.
6. He states that the bank accounts of the judgment-debtor are:

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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 25/01/2024 at 04:34:57 000351000134 and 000305016163, ICICI Bank, Landmark Building, Race Course Circle, Alkapuri, Vadodara Branch, District Vadodara,

7. Mr Gupta further states that there is no asset of the judgment-debtor which is within the territorial jurisdiction of this Court.
8. Mr Goel, learned counsel for the decree-holder on the statement of Mr Gupta seeks to withdraw the execution petition with liberty to file fresh execution petition within the competent Court.
9. Granting the liberty as aforesaid, the execution petition is disposed of.

JASMEET SINGH, J JANUARY 9, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57

\$~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI PRIYA PASSI AND ANR Petitioners
Through: Mr. Gaurav Gupta and Mr. Devraj Bhattacharjee, Advs.

DLF UNIVERSAL LTD
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
09.01.2024

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1. This is an application seeking modification of the order dated 04.10.2023 wherein Mr Y.S. Chauhan, Advocate was appointed as a Sole Arbitrator.
2. It is stated by Mr Gupta, learned counsel for the petitioners that the arbitration clause in the lease deed dated 10.10.2023 clearly mentions that all the disputes shall be decided by a person not less than a retired judge of High Court in India.
3. Both the parties agree that the order dated 04.10.2023 be modified and a retired High Court Judge be appointed as a sole arbitrator for adjudication of the dispute between the parties.
4. With consent of parties, Mr. Justice G.P. Mittal (Retd.) is appointed as a Sole Arbitrator for adjudication of disputes between the parties.
5. All other terms and conditions of order dated 04.10.2023 shall remain 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 25/01/2024 at 04:34:57 unchanged.

6. The application is disposed of accordingly.

JASMEET SINGH, J JANUARY 9, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57
\$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 474/2022 SMT.SHABNAM KAUR RAHEJA & ANR. Plaintiffs Through: Mr S.S Jain, Adv. (through VC) versus BHUPINDER SINGH KALSI & ORS. Defendants Through: Mr Gurinder Pal Singh, Mr Siddharth Borah and Ms Jaya Bajpai, Advs. for D-1 and D-3.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. This is an application filed on behalf of defendant Nos. 1 and 3 under Order VIII Rule 1 A of CPC seeking to place on record additional documents.
2. Mr Jain, learned counsel for the plaintiffs states that he wishes to file reply to the instant application.
3. Let notice of this application be served upon the counsel representing defendant No. 2.
4. Reply if any be filed before the next date of hearing.
5. List on 01.04.2024 for arguments.

JASMEET SINGH, J JANUARY 9, 2024 sr [Click here to check corrigendum](#), if any 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 25/01/2024 at 04:34:57 \$~7 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 21/2023 MS X Plaintiff Through: Mr Adit S Pujari and Ms Mantika Vohra, Advs.

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CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
09.01.2024

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1. This is an application filed by the plaintiff seeking permission to file redacted affidavits to protect the confidentiality and privacy of the plaintiff.
2. Mr Varma, learned counsel for the defendant states that he has no objection to the application being allowed.
3. In order to protect the confidentiality and privacy of the plaintiff, the application is allowed and the redacted affidavit are taken on record.

4. The application is disposed of accordingly. CS(OS) 21/2023

5. List before the Joint Registrar on 10.01.2024, the date already fixed.

JASMEET SINGH, J JANUARY 9, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57 \$~8 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 78/2023 MRS SUNITA KUMARI GANOTRA Plaintiff Through: Mr Krish Gandhi, Adv.

versus SHRI VINOD KUMAR & ORS. Defendants Through: Mr Areeb Ahmad, Adv. for D-1 & D-3 (through VC) Mr Praeek Gandotra, Adv. for D-2 (through VC) CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. This is an application seeking interim injunction against the defendant, their employees, associates, agents from selling, alienating, transferring and/or creating third party interest in respect of the suit properties in a suit for partition.

2. Mr Gandotra, learned counsel for defendant No.2 states that he has no objection to an order of status quo being passed today.

3. In the written statement filed by the defendants Nos. 1 and 3, it has been stated that the parties have already partitioned the suit properties and the parties are in possession of their respective shares since March, 2020.

4. The oral partition is disputed by learned counsel for the plaintiff and defendant No.2.

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5. The parties shall file schedule of documents.

6. Even as per defendant Nos. 1 and 3, the parties are in possession of their respective shares. In order to prevent dilution of the suit properties, the parties shall maintain status quo with regard to title and possession of the suit properties till the next date of hearing.

7. Since it is a dispute between brothers and sisters, with consent of parties, the matter is referred to Delhi High Court Mediation & Conciliation Centre.

8. The parties are directed to appear before Delhi High Court Mediation & Conciliation Centre on 25.01.2024 at 03:30 p.m.

9. List before this Court on 20.05.2024.

JASMEET SINGH, J JANUARY 9, 2024 sr Click here to check corrigendum, if any This is a digitally signed order.

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versus PARSHOTAM DASS BAKSHI Respondent Through: Dr.A.K. Bakshi/R-1(ii) in person.

Mr Sagar Saxena and Mr Puneet Singh, Advs. for LR-1(iv).

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. Even though arguments were heard in part on 07.11.2023, learned counsel for the appellant is yet to conclude his arguments and thereafter the respondents are to begin their arguments.

2. The matter is released from „part heard

3. List before the Roster Bench on 25.01.2024, after obtaining orders from Hon ble the Acting Chief Justice.

JASMEET SINGH, J JANUARY 9, 2024/sr Click here to check corrigendum, if any This is a digitally signed order.

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versus M/S. ORIENTAL INSURANCE COMPANY LTD Judgement Debtor Through: Mr Amit Kumar Singh and Mr Apratim Animesh Thakur, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 09.01.2024

1. This is a petition seeking enforcement of arbitral award dated 09.03.2022 read with correction order dated 30.06.2022.
2. The judgment-debtor has challenged the final Arbitral Award by filing O.M.P. (Comm.) 433/2022 wherein the Coordinate Bench has stayed the execution of the Award subject to deposit of the award amount. Pursuant to the said directions, the judgment-debtor has deposited Rs. 5.22 crores in compliance of the order dated 10.04.2023.
3. Since the execution of the arbitral award has already been stayed by a Coordinate Bench, the execution petition as of today will not lie. The execution petition is disposed of permitting the decree-holder to revive the same and/or file fresh execution after adjudication of O.M.P. (Comm.) 433/2022.
4. The petition is disposed of granting the liberty as aforesaid.

JASMEET SINGH, J JANUARY 9, 2024/sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57 \$~A-3-A-5 * IN THE HIGH COURT OF DELHI AT NEW DELHI + RC.REV. 156/2018 & CM APPL. 15175/2018 NIRMALA KUMARI & ORS Petitioner Through: Mr Mahesh K Chaudhary and Ms Sushmita Chaudhary, Advs.

versus
GIRISH KAKKAR & ANR

Through: Dr Arun Mohan, Sr. Adv. with Mr Arvind Bhatt, Ms Ritika Choubey, Ms Swastika Singh and Mr Yugant Kakar, Advs. with R-1 in person.

+ RC.REV. 178/2018 & CM APPL. 17084/2018 SHYAM SUNDER BATRA & ANR Petitioner Through: Mr Tara Chand Sharma, Adv.

versus
GIRISH KAKAR & ANR

Through: Dr Arun Mohan, Sr. Adv. with Mr Arvind Bhatt, Ms Ritika Choubey, Ms Swastika Singh and Mr Yugant Kakar, Advs. with R-1 in person.

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RC.REV. 179/2018, CM APPL. 17424/2018, C
ANAND KUMAR SALUJA

Through: Mr Mahesh K Chaudhary and Ms Sushmita Chaudhary, Advs.

versus
GIRISH KAKAR & ANR

Through: Dr Arun Mohan, Sr. Adv. with Mr Arvind Bhatt, Ms Ritika Choubey, Ms Swastika Singh and Mr Yugant Kakar, Advs. with R-1 in person.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH 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 25/01/2024 at 04:34:57 ORDER % 08.01.2024 Arguments heard from the side of petitioners. The petitioners will file brief written synopsis in support of their arguments at least three days prior to the next date of hearing.

List on 12.02.2024 at 04:00 p.m. for further arguments.

JASMEET SINGH, J JANUARY 8, 2024 sr This is a digitally signed order.

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versus

D.D.A. & ANR
Through:

Sahaj Karan Singh and Mr Mohit Kumar, Advs. for DDA.

Ms Mala Narayan and Mr Shashwat Goel, Advs. for R-2 (through VC) CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 08.01.2024

1. Mr Sannu, learned counsel for respondent No.1/DDA could not appear in the first call as he was on his legs in another Court and has now appeared at 04:30 p.m.

2. Mr Rana, learned counsel for the petitioner is permitted to inspect the records today and flag the relevant pages for the purpose of adjudication of the present writ petition.

3. The original records be produced on the next date of hearing.

4. List on 04.03.2024.

JASMEET SINGH, J JANUARY 8, 2024 sr 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 25/01/2024 at 04:34:57 \$~18 * IN THE HIGH COURT OF DELHI AT NEW DELHI + OMP (ENF.) (COMM.) 218/2022, EX.APPL.(OS) 642/2023 & EX.APPL.(OS) 674/2023 UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF DEFENCE Decree Holder Through: Mr Sushil Kumar Pandey, SPC versus M/S M.P STATE CO-OIL SEED GROWERS FEDERATION LTD.

..... Judgement Debtor Through: Mr Gopal Jha and Mr Umesh Kumar Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 08.01.2024

1. This is a petition seeking execution of the Arbitral Award dated 25.07.2012. The Arbitral Award was made in favour of the decree-holder to the tune of Rs. 4,35,30,095/- along with interest. The respondent challenged the same vide OMP (COMM) No. 119/2020 and the same was allowed and this Court modified the Award as under:

"16. In view of the above, the impugned award to the extent it awards any amounts in excess of Rs.3,97,50,000/- and interest at the rate of 21%per annum from 22.02.1999 till the date of payment is set aside."

2. Mr Pandey, learned counsel for the judgment-debtor states that as of today about more than Rs. 15 crores is due and payable by the judgment-

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3. Mr Gopal Jha, learned counsel appears for the judgment-debtor and states that the judgment-debtor is in liquidation and as per Section 82 of the M.P. Co-operative Societies Act, 1960, no proceedings can continue against a Society being wound up. Section 82 of the M.P. Co-operative Societies Act, 1960 reads as under:

"82. Bar of jurisdiction of Courts.-(1) Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of-

- (a) the registration of a society or of bye-laws or of an amendment of a bye-law;
 - (b) the removal of a committee and the management of the society after such removal;
 - (c) any dispute, required to be referred to the Registrar or his nominee or board of nominees;
 - (d) any matter concerning the winding up and the dissolution of a society.
- (2) While a society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with, or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.
- (3) Save as provided in this Act, no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever."

4. In view of the clear provisions of Section 82 of the M.P. Co-operative Societies Act, 1960, the present execution will not lie at this stage. 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 25/01/2024 at 04:34:57 decree-holder is at liberty to approach the Registrar, Co-operative Societies in accordance with Section 82 and take appropriate steps in that regard.

5. Granting the liberty to the decree-holder as aforesaid, the execution petition is disposed of.

JASMEET SINGH, J JANUARY 8, 2024 sr Click here to check corrigendum, if any This is a digitally signed order.

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CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 08.01.2024

1. This is a petition seeking enforcement of the Arbitral Award dated 29.01.2015.
2. Ms Kaushik, learned counsel appearing for the judgment-debtor states that Section 34 petition has been dismissed and they have filed an appeal challenging the order dated 24.05.2023. Admittedly there is no stay against the Award.
3. Since the amount has not been paid, the bank accounts of the judgment-debtor with (i) Canara Bank, Secretarial Branch at New Delhi and
(ii) State Bank of India, Chandni Chowk Branch at New Delhi is attached to the tune of Rs. 26,96,25,821/- up to 15.06.2023.
4. The decree-holder may file up-to-date statement of account.
5. List on 19.03.2024.

JASMEET SINGH, J JANUARY 8, 2024/sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57 \$~1 * IN THE HIGH COURT OF DELHI AT NEW DELHI + ARB. A. (COMM.) 78/2022, I.A. 18317/2022 & I.A. 1455/2023 ASSETS CARE AND RECONSTRUCTION ENTERPRISE LIMITED Petitioner Through: Mr. Jayant Mehta, Senior Advocate, Ms. Amrita Singh and Mr. Akshat Agarwal, Advocates.

versus DOMUS GREENS PRIVATE LIMITED & ORS. Respondents to 4 and 8 to 10.

Mr. Kumar, Mr. Ajay Bhargava, Mr. Siddhant Kumar, Ms. Wamika Trehan and Ms. Radhika Khanna, Advocates for Respondents nos. 5 and 6.

Mr. Apoorv Khator for R-7.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 04.01.2024

1. This is an application seeking condonation of 156 days delay in filing the appeal.
2. In the present case, the appellant is aggrieved by the orders dated 12.10.2021 and 05.11.2021 ("Impugned Orders") passed by the learned Sole Arbitrator under Section 17 of the Arbitration & Conciliation Act, 1996 ("the Act"), in the arbitration dispute

ongoing between the respondent Nos. 1 to 4 and the respondent Nos. 5 to 7 in connection with eleven sets of agreements executed between them. It is stated that the directions contained in the Impugned Orders adversely impact the appellant's charge over the securities. 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 25/01/2024 at 04:34:57 mortgaged by the ATS Group. Hereinafter, respondent Nos. 1 to 4, 8 to 10 are collectively referred to as the "ATS Group", and the respondent Nos. 5 and 6 are collectively referred to as the "Dalmia Group".

3. It is stated by Mr Mehta, learned senior counsel for the appellant, that the appellant was not a party to the arbitration proceedings and was not appearing before the learned Sole Arbitrator when the order dated 12.10.2021 was passed. However, he received intimation of the order dated 12.10.2021 on 16.10.2021 and thereafter has been in continuous dialogue with the ATS group who had repeatedly assured the appellant that ATS group is in talks of settlement with the Dalmia Group and that the appellant's interest would be adequately safeguarded. It is only after the passing of almost one year when no concrete steps were taken by the ATS group that the present appeal was filed.

4. Mr Mehta, learned senior counsel also relies upon the judgment passed by the Hon'ble Supreme Court in *State of Maharashtra v. Borse Bros. Engineers & Contractors (P) Ltd.*, (2021) 6 SCC 460, and more particularly paragraph Nos. 33 and 63 which read as under:

"33. The bulk of appeals, however, to the appellate court under Section 37 of the Arbitration Act, are governed by Section 13 of the Commercial Courts Act. Sub-section (1-A) of Section 13 of the Commercial Courts Act provides the forum for appeals as well as the limitation period to be followed, Section 13 of the Commercial Courts Act being a special law as compared with the Limitation Act which is a general law, which follows from a reading of Section 29(2) of the Limitation Act. Section 13(1-A) of the Commercial Courts Act lays down a period of limitation of 60 days uniformly for all appeals that are preferred under Section 37 of the Arbitration Act.

.....

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63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals filed under Section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the

Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches."

(emphasis supplied)

5. Mr. Kumar, learned counsel appearing for the respondent Nos. 5 and 6 states that each day's delay has not been satisfactorily explained.

6. He further states that the appellant was informed about the dismissal of the application filed by the ATS Group for clarification of the order dated 12.10.2021, and despite the same, no appeal was filed by the appellant.

7. Hence, the appellant has not been pursuing his rights and no sufficient cause for condonation of delay has been laid out. He relies upon the judgment of the Division Bench of this Court in Union of India, through Principal Chief Materials Manager vs. Incom Cables (Pvt) Ltd., (2022) SCC OnLine DEL 2641.

8. I have heard learned counsels for the parties.

9. The fact remains that in the present case, the appellant was not a party before the Sole Arbitrator. All the information the appellant has obtained is through emails of the respondents.

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10. The delay has been explained in paragraph Nos. 6-11 of the present application. It is stated that on receiving the letter dated 16.10.2021 issued by the respondent No. 5 (Dalmia Family Office Trust) intimating the appellant about the order dated 12.10.2021, the appellant sent a letter to the ATS Group, asking it to furnish complete details of the Impugned Orders and the ongoing arbitration proceedings, as well as to inform it of the steps being undertaken by them to ensure that its interests as a secured lender are not infringed in any manner. In response, the appellant was informed that: a) the ATS Group has initiated appropriate steps to challenge/get corrected the order dated 12.10.2021; and b) that the ATS Group will ensure that the rights of the appellant are not prejudiced or infringed upon in any manner and it shall take all steps necessary in this regard. It also stated that the order dated 12.10.2021 was premised on a holistic settlement arrived at between the ATS Group and the Dalmia Group, whereby certain unsecured dues payable to the Dalmia Group were settled.

11. Vide further emails to the appellant, the ATS Group made categorical representations that the matter is under the process of settlement, pursuant to which the appellant waited, assuming that its interests would be safeguarded.

12. However, it is stated that on 04.08.2022, the ATS Group stated that no action has been taken by it to challenge the Impugned Order. The appellant, vide letter dated 20.09.2022, asked the ATS Group to take necessary action in terms of the categorical representations made by it earlier for challenging/rectifying the Impugned Order. However, no positive response was received by the appellant in this regard, and it is only thereafter that the present appeal was filed.

13. The Hon ble Supreme Court in Borse Brothers (supra), as reproduced hereinabove, has held that the delay in filing the appeal under Section 37 of 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 25/01/2024 at 04:34:57 Act is condonable, but the same must be exercised in exceptional circumstances and not by way of a rule.

14. Further, in Incom Cables (supra), "sufficient cause" in the context of condoning delay in filing appeals under Section 37 of the Act has been explained. It is stated:

"7. Thus, "sufficient cause" means adequate and enough reason which prevented a person from approaching a court within limitation. The party seeking condonation of delay should not be found to be negligent or for want of bonafides nor should it have been not diligent nor inactive in pursuing its case. The Supreme Court also held that the test for condonation of delay cannot be different for the Government. All parties are treated to be equal before the law."

(emphasis supplied)

15. In the present case, since the appellant was not a party before the Sole Arbitrator and the rights of the appellant has been severely prejudiced, the appellant has filed the appeal. It is evident that the appellant was actively pursuing its case with the ATS Group and ATS Group had repeatedly assured that they would take appropriate steps to settle the dispute.

16. Pursuant to their repeated representations to the appellant stating that a settlement between the parties to the arbitral dispute is being negotiated, the appellant waited before filing the present appeal. It was only after the appellant was informed by the ATS Group that no steps were taken by them for modification of the order, and that a settlement between the ATS Group and Dalmia Group was not taking place, that the present appeal was filed belatedly. Thus, in my view, this is not a case of negligence or inactiveness in filing the appeal.

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17. In fact, the appellant was regularly following up with the ATS Group and was being regularly informed that the ATS Group is taking adequate steps to safeguard the appellant's interest including the mortgage created in favour of the appellant.

18. Hence, I am of the view that this case is an exceptional circumstance and the delay needs to be condoned.

19. For the reasons stated in the application, the application is allowed and the delay of 156 days in filing the appeal stands condoned.

20. The observations made in the order are only for the purposes of deciding the application and will have no bearing on the merits of the case. ARB. A. (COMM.) 78/2022

21. Issue notice.

22. Mr. Krish Kalra for respondents No. 1 to 4 and 8 to 10, Mr. Siddhant Kumar, Advocate for respondents No. 5 and 6 and Mr. Apoorv Khator, Advocate for respondent No. 7 accept notice. They seek and are granted three weeks' time to file reply, if any.

23. List on 16.02.2024.

JASMEET SINGH, J JANUARY 4, 2024 sr/rk/ns Click here to check corrigendum, if any 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 25/01/2024 at 04:34:57 \$~27 * IN THE HIGH COURT OF DELHI AT NEW DELHI + OMP (ENF.) (COMM.) 191/2023 MR. RAHUL BHATIA & ANR. Decree Holders Through: Mr Archit Relan, Adv.

Mr Rahul Bhatia-DH (through VC) versus ANAND DIVINE DEVELOPERS PVT. LTD. & ORS.

..... Judgement Debtors Through: Mr Krish Kalra, Adv. (through VC) CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024 EX.APPL.(OS)
1494/2023

1. This is an application seeking modification of the order dated 09.10.2023.

2. Issue notice.

3. Mr Kalra, learned counsel accepts notice on behalf of the judgment- debtors. He seeks and is granted four weeks to file a reply.

4. In the meantime, the judgment-debtors will clear the instalments due and payable to HDFC bank before the next date of hearing.

5. List on 27.02.2024.

JASMEET SINGH, J JANUARY 5, 2024 sr [Click here to check corrigendum](#), if any 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 25/01/2024 at 04:34:58 \$~7 * IN THE HIGH COURT OF DELHI AT NEW DELHI M/S SAMAL INFRA PROJECTS PVT. LTD. Petitioner Through: Mr Singh (appearance not given) versus M/S ISGEC HEAVY ENGINEERING LTD. Respondent Through: Mr Arun Kumar Varma, Sr. Adv.

with Mr Shambhu Sharma and Mr Ankit Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024 Mr Varma, learned senior counsel for the respondent has handed over a compilation of authorities in support of the submission that "Delhi Courts will not have jurisdiction to appoint the Arbitrator."

Mr Singh, learned counsel for the petitioner seeks and is granted four weeks to go through the same and address arguments pertaining to jurisdiction of this Court as regards appointment of arbitrator.

List on 28.02.2024.

JASMEET SINGH, J JANUARY 5, 2024 sr [Click here to check corrigendum](#), if any 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 25/01/2024 at 04:34:58 \$~19 * IN THE HIGH COURT OF DELHI AT NEW DELHI M/S PREET TRACTORS PRIVATE LIMITED Petitioner Through: Mr Ashim Shridhar and Ms Radhika Gupta, Advs.

versus M/S IFFCO KISAN FINANCE LIMITED Respondent Through:

CORAM:

%

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file the legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. The application is disposed of.
4. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitral Tribunal as provided in the MoU dated 09.09.2019 read with the Addendum dated 09.09.2021. Clause 28 of the MoU dated 09.09.2019 reads as under:

"28. All disputes or differences arising between the Parties as to the effect, validity or interpretation of this MoU or as to their rights, duties or liabilities shall be resolved amicably between the Parties. 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 25/01/2024 at 04:34:58. Parties to the MoU, failing which such disputes shall be settled by arbitration to be conducted by three arbitrators in accordance with the Arbitration and Conciliation Act, 1996 including any modification, amendment thereto. Both the Parties shall appoint one arbitrator each and the two arbitrators so appointed shall appoint the Presiding arbitrator. The arbitration proceedings shall be conducted in English language. The venue of arbitration shall be New Delhi."

5. The petitioner on 06.03.2023 has invoked the arbitration clause.
6. Mr Shridhar, learned counsel for the petitioner states that even though the clause provides for an Arbitral Tribunal of three arbitrators, the petitioner only seeks reference to a Sole Arbitrator.
7. Issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 04.03.2024.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:58. \$~20 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 7/2024 SANDEEP KUMAR AND ANOTHER Plaintiff Through: Mr Mohit Gupta, Mr Vishal Saxena and Ms Meenakshi Garg,

Advs.

versus

VEERVATI AND OTHERS

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER

%

05.01.2024

CS(05) 7/2024

1. This is a suit seeking declaration of the purported Will dated 19.12.2008 as forged and fabricated Will. In addition, the plaintiff relies on another Will dated 18.11.2010. As per the said Will the share of the plaintiff is 1/3rd in the property being Khasra No. 10, Plot ad-measuring 2000 square yards, Haiderpur, New Delhi.

2. For the said reasons, issue summons to the defendants by all modes including electronic on the plaintiff taking requisite steps within one week from today, returnable on 05.02.2024 before the Joint Registrar.

3. This is an application filed under Order XXXIX Rules 1 and 2 read with Section 151 CPC seeking interim order in favour of the plaintiff and against the defendants.

4. The plaintiff relies on a last Will dated 18.11.2010 and as per the said 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 25/01/2024 at 04:34:58 Will the share of the plaintiff in Khasra No. 10 Plot ad-measuring 2000 square yards, Haiderpur, New Delhi is 1/3rd .

5. For the said reasons, I am of the view that the plaintiff has made out a prima facie case. The balance of convenience also lies in favour of the plaintiff and against the defendants. In case ad interim ex parte order as prayed for is not granted, the plaintiff will suffer irreparable loss and injury which cannot be compensated in terms of money.

6. The defendant Nos. 1 and 2, their agents, servants, administrators, executors, authorised representatives or anybody else acting on their behalf are hereby restrained from transferring, selling, alienating, creating any third party rights, parting with possession encumbering in any manner, undivided 1/3rd share in Khasra No. 10, Plot ad-measuring 2000 square yards, Haiderpur, New Delhi till the next date of hearing.

7. List on 05.02.2024 before the Joint Registrar for completion of pleadings.

8. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within three working days JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:58 \$~21 * IN THE HIGH COURT OF DELHI AT NEW DELHI + O.M.P.(MISC.)(COMM.) 6/2024 IRB AHMEDABAD VADODARA SUPER EXPRESS TOLLWAY PRIVATE LIMITED Petitioner Through: Mr Atul Nanda, Sr. Adv. with Ms Rameeza Hakeem, Mr Sarthak Sachdev, Ms Charu Shriyam Singh, Ms Pragya Gautam, Mr Martand Singh, Mr Raj Adhia and Ms Vartika Aggarwal, Advs. versus NATIONAL HIGHWAYS AUTHORITY OF INDIA Respondent Through: Mr Ankur Mittal, Mr Abhay Gupta and Mr Sanjivan Chakraborty, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file the legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Disposed of.

O.M.P.(MISC.)(COMM.) 6/2024

4. This is an application seeking extension of time by a period of 3 months i.e. up to 31.03.2024 under Section 29A(4) read with Section 29A(5) of the Arbitration and Conciliation Act, 1996 to enable the Arbitral Tribunal to conclude the arbitration proceedings.
5. Issue notice.

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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 25/01/2024 at 04:34:58

6. Mr. Gupta, learned counsel appears for the respondent on advance notice.
7. As per the application, on 08.12.2023, the arbitral proceedings were fixed for conclusion of arguments by the respondent. However, on account of some personal difficulty, the counsel for the respondent sought an adjournment on that day.

8. For the said reasons, I am inclined to allow the application.

9. The mandate of the arbitral tribunal is extended by a period of three months i.e. upto 15.04.2024 for conclusion of proceedings and passing of the Award.

10. The application is allowed and disposed of.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:58 \$~22 * IN THE HIGH COURT OF DELHI AT NEW DELHI + OMP (ENF.) (COMM.) 2/2024 MR. S. R. SIKKA SOLE PROPRIETOR OF M/S SIKKA ASSOCIATES Decree Holder Through: Mr Vikas Goel and Mr Ritesh Sharma, Advs.

versus AIRPORTS AUTHORITY OF INDIA Judgement Debtor Through: Mr Vaibhav Kalra, Ms Anisha Upadhyay and Ms Neha Bhatnagar, Advs. for AAI with Mr Gagan Kochar, Sr. Manager (Law).

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024 EX.APPL.(OS) 9/2024

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file the legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Disposed of.

OMP (ENF.) (COMM.) 2/2024 & EX.APPL.(OS) 8/2024

4. This is an execution petition under Section 36 of the Arbitration and Conciliation Act, 1996 read with Order XXI Rule 10 CPC for recovery of amount of Rs. 16,61,76,014/- along with interest as per the award dated 31.07.2023.

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5. Issue notice.

6. Mr Kalra, learned counsel accepts notice on behalf of the judgment- debtor and submits that the Section 34 objections are listed on 09.01.2024. He seeks and is granted 4 weeks to file a reply and also the list of assets.

7. List on 19.03.2024.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any This is a digitally signed order.

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versus NATIONAL HIGHWAYS AUTHORITY OF INDIA Judgement Debtor Through: Ms Namrata Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024 EX.APPL.(OS)
10/2024

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file the legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Disposed of.

OMP (ENF.) (COMM.) 3/2024

4. This is a petition seeking enforcement of the Award dated 30.03.2010 finally adjudicated on 24.08.2023. As per the Award, the decree holder is entitled to Rs. 87,93,49,326/- as on 15.12.2023. Despite the Award, the amounts have not been paid to the decree-holder.

5. It is stated that as per the order of the Hon ble Supreme Court dated 24.08.2023, 8 weeks were granted to the judgment-debtor to make the This is a digitally signed order.

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6. Issue notice.

7. Ms Sharma, learned counsel accepts notice on behalf of the judgment- debtor. She states that a review has been filed against the judgment in the Hon ble Supreme Court. She seeks and is granted 2 weeks to obtain instructions and also file list of assets.

8. List on 13.02.2024.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:58 \$~24 * IN THE HIGH COURT OF DELHI AT NEW DELHI SMT SAVITA SARDANA Decree Holder Through: Mr Aman Sareen, Mr Sanjeev Mahajan and Mr Harmeet Singh, Adv.

versus SMT. SATISH PAUL & ORS. Judgement Debtors Through: Mr Sachin Chaudhary, Adv. for R-1 and R-3.

Mr Shivam Goel, Ms Ramya S Goel and Mr Akash Katiyar, Adv. for JD -2 & JD - 4.

Mr Hardik Bedi, Local Commissioner (through VC) CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024 EX.APPL.(OS)
12/2024

1. Issue notice.

2. Mr. Mahajan, learned counsel appears on behalf of the decree-holder and accepts notice. He seeks and is granted time to file a reply. The same shall be filed before the next date of hearing.

3. Mr Hardik Bedi, Local Commissioner also accepts notice.

4. Judgment debtor Nos. 1 and 3 shall make the payment of the learned Local Commissioner before the next date of hearing.

5. List on 15.02.2024, the date already fixed.

JASMEET SINGH, J JANUARY 5, 2024/sr Click here to check corrigendum, if any This is a digitally signed order.

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\$~4 * IN THE HIGH COURT OF DELHI AT NEW DELHI SHIV HARI SINGLA Petitioner Through: Mr Jitender Chaudhary and Ms Shilpa Chohan, Advocates (through VC) versus UNION OF INDIA & ANR. Respondents Through: Mr Jjitendra Kumar Tripathi, Adv. for UOI Mr Raj Kumar, SPC with Mr Ankit Choudhary, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024

1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator in terms of Clause 70 of the General Conditions of the Contracts which reads as under:

"70. Arbitration:- All disputes, between the parties to the Contract (other than those for which the decision of the C.W.E. or any other person is by the Contract expressed to be final and binding) shall, after written notice by either party to the Contract to the other of them, be referred to the sole arbitration of an engineer officer to be appointed by the authority mentioned in the tender documents.

Unless both parties agree in writing such reference shall not take place until after the completion or alleged completion of 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 25/01/2024 at 04:34:58 the Work or termination or determination of the Contract under Condition Nos. 55, 56 and 57 hereof.

Provided that in the event of abandonment of the Works or cancellation of the Contract under Condition Nos. 52, 53 or 54 hereof, such reference shall not take place until alternative arrangements have been finalized by the Government to get the Works completed by or through any other Contractor or Contractors or Agency or Agencies.

Provided always that commencement or continuance of any arbitration proceeding hereunder or otherwise shall not in any manner militate against the Government's right of recovery from the contractor as provided in Condition 67 hereof.

If the Arbitrator so appointed resigns his appointment or vacates his office or is unable or unwilling to act due to any reason whatsoever, the authority appointing him may appoint a new Arbitrator to act in his place.

The Arbitrator shall be deemed to have entered on the reference on the date he issues notice to both the parties, asking them to submit to him their statement of the case and pleadings in defence.

The Arbitrator may proceed with the arbitration, exparte, if either party, inspite of a notice from the Arbitrator fails to take part in the proceedings.

The Arbitrator may, from time to time with the consent of the parties, enlarge, the time upto but not exceeding one year from the date of his entering on the reference, for making and 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 25/01/2024 at 04:34:58 publishing the award.

The Arbitrator shall give his award within a period of six months from the date of his entering on the reference or within the extended time as the case may be on all matters referred to him and shall indicate his findings, along with sums awarded, separately on each individual item of dispute.

The venue of Arbitration shall be such place or places as may be fixed by the Arbitrator in his sole discretion.

The award of the Arbitrator shall be final and binding on both parties to the Contract."

2. The petitioner vide Notice dated 09.10.2021 invoked the Arbitration clause and sought reference of disputes to arbitration. The petitioner also appointed a Sole Arbitrator for adjudicating the dispute between the parties. Mr Chaudhary, learned counsel for the petitioner states that the petitioner will have no objection in case a Sole Arbitrator is appointed by this Court.

3. There is no reply filed by the respondents.

4. Learned counsel for the respondents states that they have no objection for appointment of an Arbitrator.

5. For the said reasons, the petition is allowed and Justice Rajiv Sahai Endlaw (Retd.) (Mobile Number:- 9717495002) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

6. The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the „DIAC). The remuneration of the learned Arbitrator shall be in terms of Fourth Schedule of the Arbitration and Conciliation Act, 1996.

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7. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

8. It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

9. The parties shall approach the learned Arbitrator within two weeks from today.

10. The petition is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any This is a digitally signed order.

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\$~9 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 208/2022, I.A. 5833/2022 & I.A. 12619/2022 JACQUELINE RINDONE Plaintiff Through: Ms Malavika Rajkotia, Adv. with Mr. Mayank Grover, Adv. (through VC) versus ROSHAN DUVAIL JAIN AND ORS Defendants Through: Mr Ankur Mahindro and Mr Aditya Kapur, Advs. for D-8.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024

1. This is a suit seeking preliminary decree of partition and separate possession in favour of the plaintiff regarding suit property bearing No. 32, Hanuman Road, New Delhi - 110001.

2. The Defendant No. 6 is present in person and Defendant No. 8 is represented by Mr Mahindro, learned counsel.

3. The parties have arrived at a settlement before the Delhi High Court Mediation and Conciliation Centre on 05.09.2023. Along with the settlement agreement, consent e-mails have also been annexed.

4. The consent e-mail of the petitioner and Rajesh Dayal-Defendant No. 9, Ramesh Dayal- Defendant No. 10, Nupur Aggarwal- Defendant No. 11, Sadhna Bansal- Defendant No.12, Arun Kumar Jain- Defendant No. 8, Neera Nath/Neera Rani- Defendant No. 5, Divesh Nath- Defendant No. 6 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 25/01/2024 at 04:34:58 (present in person), Rohit Nath- Defendant No. 7, Julien Jain Rindone - Defendant No.3, Chiara Jain Rindone- Defendant No. 4, Christopher Ross Jain- Defendant No. 2 and Roshan Duvail Jain- Defendant No.1 have also been annexed with the mediation settlement.

5. For the reasons noted above, the preliminary decree of partition is passed in terms of the mediation settlement.

6. Since the mechanism for sale of the property is also envisaged in the mediation settlement, with the consent of parties the suit is decreed and disposed of in terms of mediation settlement dated 05.09.2023.

7. The parties shall remain bound by the terms of the mediation settlement agreement.

JASMEET SINGH, J JANUARY 5, 2024 sr Click here to check corrigendum, if any 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 25/01/2024 at 04:34:58 \$~10 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 302/2023 RAMESH CHANDER SACHDEVA AND ORS Plaintiffs Through: Mr Sidharth Joshi, Mr Amti Kumar, Mr Ambaree and Mr Vikrant Ballav Sharan, Advs.

versus PRAKASH CHANDRA SACHDEVA AND ORS Defendants Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 05.01.2024

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file the legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Disposed of.

CS(OS) 302/2023

4. This is a suit for partition in respect of property bearing no. B-26, Plot No. 9, Ganesh Nagar, New Delhi-110018.

5. It is stated that the property was owned by the mother of the plaintiff Smt. Kaushalya Devi who died intestate on 05.12.1996. The plaintiff no.1 is the son of Smt.

Kaushalya Devi and the other plaintiffs are the children of the pre-deceased sons of Late Smt. Kaushalya Devi. The defendant no.1 is the son of Smt. Kaushalya Devi and other defendants are the children of pre-

deceased daughter of Smt. Kaushalya Devi. Hence, the plaintiffs are entitled to a share in the property.

6. For the said reasons, issue summons to the defendants by all modes This is a digitally signed order.

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7. This is an application filed under Order XXXIX Rules 1 and 2 read with Section 151 CPC seeking ad-interim ex-parte orders in favour of the plaintiffs and against the defendants.

8. From the narration of facts it is clear that Late Smt. Kaushalya Devi is the owner of the property bearing no. B-26, Plot No. 9, Ganesh Nagar, New Delhi-110018 and had died intestate. The plaintiffs are sons and legal heirs of the son of late Smt. Kaushalya Devi. Hence, the plaintiffs have a share in the suit property.

9. For the said reasons, I am of the view that the plaintiffs have made out a prima facie case. The balance of convenience also lies in favour of the plaintiffs and against the defendants. In case ad-interim ex-parte order as prayed for is not granted, the plaintiffs will suffer irreparable loss and injury which cannot be compensated in terms of money.

10. For the said reasons, it is directed that till the next date of hearing the defendants shall maintain status quo with respect to title, possession and construction of property bearing no. B-26, Plot No. 9, Ganesh Nagar, New Delhi-110018.

11. List on 30.01.2024 before the Joint Registrar for completion of pleadings.

12. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within one week.

JASMEET SINGH, J JANUARY 5, 2024/sr Click here to check corrigendum, if any This is a digitally signed order.

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