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

% Judgment delivered on: 09th May, 2022

+ O.M.P.(I) (COMM.) 105/2022 & I.A. 5197/2022

SAYA BUILDCON PRIVATE LIMITED Petitioner

versus

MR VIJAY KUMAR AGGARWAL & ORS. Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vijay Nair and Mr. Vineet Sinha, Advocate

For the Respondents: Mr. Krishnendu Datta, Senior Advocate with Mr. Zorawar Singh and Mr. Hitesh Mankar, Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner, by this petition under Section 9 of the Arbitration & Conciliation Act, 1996 seeks certain declaratory and interim measures against the respondents.

2. The disputes have arisen, inter-alia, out of the partnership agreement and the memorandum of understanding both dated 22.11.2017. Both the partnership agreement and memorandum of understanding contain clauses providing for settlement of disputes through the process of arbitration.

3. After some arguments, learned counsel for the parties are agreeable

that an Arbitral Tribunal be constituted by this Court in these proceedings itself, reserving the right of the parties to approach the Arbitral Tribunal under Section 17 of the Arbitration & Conciliation Act, 1996 for interim measures.

4. Accordingly, with the consent of the parties and without prejudice to their respective rights and contentions, parties are referred to arbitration.

5. With the consent of parties, *Mr. Justice A.K. Sikri, Former Judge, Supreme Court of India*, (Email: aksikrij@gmail.com; pstojusticesikri@gmail.com) is appointed as the Sole Arbitrator to adjudicate the claims and counter-claims, if any, of the parties.

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

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

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

9. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

MAY 9, 2022/‘rs’