

Fresh application filed u/s 9 of Arbitration Act. It be checked and registered.

Present: Sh. Piyush Chhabra, Ld counsel for applicant.

1. Present application u/s 9 of Arbitration Act is filed by the applicant whereby he seeks that the respondent be restrained from taking any course of action against the applicant including cancellation of allotment letter on the basis of reminder letters dated 24.09.2024, 14.10.2024, 30.12.2024, 16.01.2025, 14.02.2025 and 31.07.2025 (sent on 07.08.2025).

2. It is the case of the applicant that she entered into an agreement dated 30.09.2011 with the respondent M/s Soni Infratech Pvt Ltd for purchase of flat bearing no. T2-902, Orion Galaxy, Sec-68, Gurgaon. It is further alleged that as per the agreement itself any dispute between the parties has to be resolved by way of arbitration. It was further agreed that the consideration amount for the purchase of flat shall be of Rs.37,00,500/-. Further, the respondent was required to handover the flat to the applicant within 3 years from the date of execution of agreement.

3. It is further alleged that in pursuance of the said agreement the applicant has already paid an amount of Rs.27,75,707/- to the respondent.

4. It is further alleged that despite lapse of 9 years, the possession of said flat was not handed over to the applicant, after which one of the home buyers moved to Ld NCLT seeking insolvency proceedings of the respondent company. Thereafter, NCLAT passed an order on 22.11.2021 it was challenged by the home buyer before hon apex court vide order dated 27.12.2022 directed the respondent to complete the project in a stage wise manner from the period running between 6 to 15 months (+/- 3 months).

5. It is further averred that despite specific directions of Hon'ble Apex Court the respondent fails to comply with the same upon which contempt petition was filed by one of the home buyers against the respondent.

6. It is further averred that soon thereafter the respondent herein in order to cancel the allotment in favor of home buyer started issuing notices seeking unreasonable demand of money which is way above the total consideration amount for the property. It is further stated that last notice was received by the applicant from the respondent on 07.08.2025, which required the applicant to deposit the amount of Rs.6,58,054/- within a period of 7 days.

7. It is argued by Ld counsel appearing on behalf of the applicant that the said notice/demand is being based by the applicant herein without completing the project and without having authority to raise demand in question. Further which is more than the consideration amount already fixed.

8. It is further argued that as per the demand notice the respondent herein seeks to terminate/cancel the allotment in favor of the applicant.

9. Heard. Perused. Considered.

10. The parties herein have entered into an agreement by way of which the respondent was required to handover the possession of the property to the applicant within the period of 3 years from 2011.

11. Further despite payment of most of the consideration amount towards the purchase of the said flat, the construction of the same is stated to be not completed despite the lapse of more than 10 years.

12. Further, as per the Minutes dated 23.10.2021 demand upto 80 % of the total value can be raised. It is stated by Ld counsel for the applicant that same has to be raised by IRP only in terms of Clause E of Minutes dated 23.10.2021 as well as letter dated 12.02.2025 issued by IRP. It is further argued that even the applicant has visited with the balance amount upto 80 % with the respondents, however, they refuse to accept the same which is mentioned in the email dated 18.07.2025.

13. Considering the totality of circumstances, this court is of the view that the applicant herein is entitle the relief of interim injunction as prayed. As such, the respondent herein are restrained from taking any coercive action against the applicant of canceling or terminating his flat/unit as per the agreement dated 30.09.2011, till

NDOH. Let notice of application be issued upon the respondent on filing of PF within one week from today. Further applicant shall inform the said order to the respondents within 3 working days from today. Copy of order be given dasti, as prayed.

Now to come up **20.09.2025**.

(Anubhav Jain)
District Judge -05, NDD,
PHC/ND/14.08.2025