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

+ EX.P. 9/2025

ARUN SALUJA

.....Decree Holder

Through: *Appearance not given*

versus

RAJ NARAYAN SINGH

.....Judgement Debtor

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **20.01.2025**

EX.APPL.(OS) 105/2025 (Exemption)

Allowed, subject to all just exceptions.

EX.P. 9/2025

1. The present Petition under Section 36 of the Arbitration Act is for enforcement of the Arbitral Award dated 08.03.2015, passed by the learned Sole Arbitrator in the disputes between the parties herein.
2. When this Court pointed to the learned Counsel for the Decree Holder as to whether this Petition ought to have been filed as an Arbitration Enforcement Petition which is described as OMP (Enf.), learned Counsel for the Decree Holder states that since the present matter arises from a non-commercial Arbitration and the nomenclature Arbitration Enforcement Petition is only given for matters arising from commercial arbitration and, therefore, the present Petition has been filed as Execution Petition and not as Arbitration Enforcement Petition.
3. In order to avoid contingency where a matter arising out of arbitration



is sent to a board which does not deal with arbitration matters, let matters arising even from non-commercial arbitrations be filed as Arbitration Enforcement Petition to avoid confusion so that all arbitration matters are listed only before the Roster Bench.

4. In the present case, the material on record discloses that disputes arose between the parties regarding performance of an Agreement to Sell dated 17.06.2013 for sale of the property bearing No.S-94, Panchsheel Park, New Delhi, admeasuring 499 Sq. Yards, for a total sale consideration of Rs.20,00,00,000/-. It is stated that out of the total sale consideration of Rs.20 crores, Rs.8 crores have been paid by the Petitioner to the Respondent. It is stated that since the Agreement to Sell was not executed, the Arbitrator nominated in the Agreement to Sell was appointed as the Sole Arbitrator to adjudicate on the disputes between the parties. Vide award dated 08.03.2015, the learned Sole Arbitrator has passed the award in favour of the Petitioner herein. The present Petition has been filed by the Petitioner for enforcement of the award under Section 36 of the Arbitration Act.

5. Issue Notice.

6. On Petitioner's taking steps, let notice be served to the Judgment Debtor through all permissible modes, including *Dasti*.

7. The Judgment Debtor is directed to file its list of assets in the form prescribed in Form 16-A Appendix-E CPC under Order XXI Rule 41 CPC before the next date of hearing.

8. List on 27.03.2025.

SUBRAMONIUM PRASAD, J

JANUARY 20, 2025

Rahul