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

+ O.M.P. 14/2016

CHANDRAVATI SHARMA & ANR.Petitioners

Through: Mr. Anurag Ojha, Adv.

versus

NEELMANI SHARMA & ANR.Respondents

Through: Mr. Gaurav Kumar Singh Adv.

+ O.M.P. 15/2016

CHANDRAVATI SHARMA & ANR.Petitioners

Through: Mr. Anurag Ojha, Adv.

versus

NEELMANI SHARMA & ANR.Respondents

Through: Mr. Gaurav Kumar Singh Adv.

+ O.M.P. 16/2016 & I.A. 10792/2018

CHANDRAVATI SHARMA & ANR.Petitioners

Through: Mr. Anurag Ojha, Adv.

versus

NEELMANI SHARMA & ANR.Respondents

Through: Mr. Gaurav Kumar Singh Adv.

+ O.M.P. 17/2016

VINOD SHARMAPetitioner

Through: Mr. Anurag Ojha, Adv.

versus

NEELMANI SHARMA & ANR.Respondents

Through: Mr. Gaurav Kumar Singh Adv.



- + O.M.P. 18/2016
SMT. CHANDRAVATI SHARMA & ANR.Petitioners
Through: Mr. Anurag Ojha, Adv.
versus
NEELMANI SHARMA & ANR.Respondents
Through: Mr. Gaurav Kumar Singh Adv.
- + O.M.P. 21/2016, I.A. 6845/2016 & I.A. 12704/2016
NEELMANI SHARMAPetitioner
Through: Mr. Gaurav Kumar Singh Adv.
versus
VINOD SHARMA & ORS.Respondents
Through: Mr. Anurag Ojha, Adv.
- + O.M.P. (COMM) 276/2016 & I.A. 12703/2016
NEELMANI SHARMAPetitioner
Through: Mr. Gaurav Kumar Singh Adv.
versus
CHANDRAVATI SHARMA & ORS.Respondents
Through: Mr. Anurag Ojha, Adv.
- + O.M.P. 25/2018 & I.A. 15389/2018
NEELMANI SHARMAPetitioner
Through: Mr. Gaurav Kumar Singh Adv.
versus
M/S PANDIT MUNSHI RAM & ASSOCIATES PVT.LTD. &
ORS.Respondents
Through: Mr. Anurag Ojha, Adv.



+ O.M.P.(I) 17/2018, I.A. 14047/2018 & I.A. 14048/2018
VINOD SHARMAPetitioner

Through:

versus

NEELMANI SHARMARespondent
Through: Mr. Gaurav Kumar Singh Adv.

+ O.M.P.(I) 18/2018, I.A. 14049/2018 & I.A. 14050/2018
VINOD SHARMAPetitioner

Through:

versus

NEELMANI SHARMARespondent
Through: Mr. Gaurav Kumar Singh Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
23.08.2024

1. Hearing in these matters commenced.
2. Mr. Anurag Ojha, learned Counsel appearing for the petitioner in OMP 14/2016, OMP 15/2016, OMP 16/2016, OMP 18/2016 and OMP(I) 18/2018 submits that these petitions concern themselves with two properties, one situated at Asola and other at Sarvodaya Enclave. In respect of each property, he submits that there are two arbitral awards, thereby making a total four arbitral awards.



3. He submits that OMP 14/2016, OMP 15/2016, OMP 16/2016 and OMP 18/2016 are directed against the arbitral award passed in respect of the Asola property by one Umesh Chand Sharma, Arbitrator. OMP(I) 18/2018 is a connected petition, concerned with the same property.

4. Mr. Anurag Ojha submits, initially, that the impugned arbitral award is unsustainable as no notice under Section 21 of the Arbitration and Conciliation Act, 1996¹, from the respondent to the petitioner, was ever received and that the respondent proceeded unilaterally to appoint Mr. Umesh Chand Sharma as the arbitrator.

5. He further, submits that no notice in the arbitral proceedings was received by his client either. As such, he submits that the proceedings are a nullity and void *ab inito*.

6. Mr. Anurag Ojha further submits that Mr. Umesh Chand Sharma was the brother-in-law of the respondent-claimant in the said award and was, therefore, even otherwise, ineligible to arbitrate in view of Section 12(5) of the 1996 Act.

7. Mr. Gaurav Kumar Singh, learned Counsel appearing for the respondent being called upon to respond, he seeks time stating that he has been recently engaged in these matters. It is seen that these petitions are pending from the past eight years. The Court is not inclined to adjourn them.

8. Nonetheless, in view of the request made by Mr. Gaurav Kumar

¹ “the 1996 Act” hereinafter



Singh, re-notify on 4 September 2024 to be shown as part heard.

9. It is made clear that no further adjournment would be granted in these cases.

C.HARI SHANKAR, J

AUGUST 23, 2024/aky

Click here to check corrigendum, if any