$~20 to 29

* **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 SHARMA .....Petitioner

Through: Mr. Anurag Ojha, Adv.

versus

NEELMANI SHARMA & ANR. .....Respondents

Through: Mr. Gaurav Kumar Singh Adv.

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+ 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 SHARMA .....Petitioner

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 SHARMA .....Petitioner

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 SHARMA .....Petitioner

Through: Mr. Gaurav Kumar Singh Adv.

versus

M/S PANDIT MUNSHI RAM & ASSOCIATES PVT.LTD. & ORS. .....Respondents

Through: Mr. Anurag Ojha, Adv.

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

VINOD SHARMA .....Petitioner

Through:

versus

NEELMANI SHARMA .....Respondent

Through: Mr. Gaurav Kumar Singh Adv.

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

VINOD SHARMA

.....Petitioner

Through:

versus

NEELMANI SHARMA

.....Respondent

Through: Mr. Gaurav Kumar Singh Adv.

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

O R D E R

% 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.

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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, 1996[1], 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

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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

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