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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Arb. P. No.39/2009

RAM SARAN DASS & ANOTHER

..... Petitioners

Through: Mr. S.C. Anand, Advocate.

versus

SRI VENKATESH BUIDERS & OTHERS

..... Respondents

Through: Mr. Dinesh Garg & Ms. Rachna
 Agarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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12.11.2009

Mr. Garg without prejudice to his rights and contentions states that he has no objection to the appointment of an Arbitrator provided the Arbitrator is directed to award cost of the arbitration to the respondent in case, the Arbitrator comes to the conclusion that the claim filed by the petitioner is frivolous.

In view of the aforesaid and with consent of parties, Sh. Dinesh Dayal, retired Additional District & Sessions Judge, 9 Upper Bela Road, Civil Lines, Delhi 54, Mobile No.9810100200 is appointed as a sole Arbitrator to adjudicate upon all the disputes between the parties. The learned Arbitrator shall be entitled to fix his own fee schedule, subject to a

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ceiling of Rs.75,000/-. The fees would be initially equally borne by both the parties. However, the Arbitrator would apportion the fees at the time of passing of final Award.

Both the parties are directed to appear before the learned Arbitrator on 3rd December, 2009 at 4:30 p.m. at his residence on which date, the petitioner-claimant would file its claim statement. Since date of hearing has been fixed in the presence of both the counsel, no notice would be required to be issued by the learned Arbitrator for the said date of hearing. The Arbitrator is requested to expeditiously adjudicate all the disputes between the parties.

Registry is directed to communicate a copy of this order to the learned Arbitrator.

With the aforesaid observations, present petition stands disposed of.

NOVEMBER 12, 2009
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MANMOHAN, J.