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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: January 25, 2010

+ CM(M) 102/2010

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M/s Puri Construction Pvt. Ltd.
Through: Mr. M.R. Shamshad, Advocate

25.01.2010
...Petitioner

Versus

Mr. Vinod Kumar Gandhi
Through:

...Respondent

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. By way of present petition, the petitioner has assailed an order dated 18th December 2009 passed by the Consumer Disputes Redressal Forum VI, New Delhi whereby the Consumer Forum dismissed an application of the petitioner that the proceedings before it should be stayed on the ground that there was an arbitration agreement and in view of Section 5 of the Arbitration & Conciliation Act, 1996.

2. Learned counsel for the petitioner was asked to point out a valid arbitration agreement existing between the parties duly signed by the parties therein. He admitted that there was no arbitration agreement signed by the respondent. He relied upon Annexure-A which seems to be a part of broacher of the petitioner giving intimation about terms and conditions for provisional allotment of a Unit in the project of the petitioner.

3. It is settled law that the arbitration agreement between the parties must be signed by both the parties or it should reflected that both the parties had agreed to arbitration by means of exchanged correspondence. As the petitioner has failed to

show even existence of an arbitration agreement, I find no ground to interfere with the order. The order passed by learned Consumer Forum does not suffer from any infirmity. The petition is hereby dismissed. No orders as to costs.

January 25, 2010
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SHIV NARAYAN DHINGRA J.