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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 121/2010

SAMAR SINGH

..... Petitioner

Through: Mr. B.L. Wali, Advocate

versus

DDA

..... Respondent

Through: Mr. Bhupesh Narula, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.12.2010

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No reply has been filed by the respondent despite opportunity. Accordingly, I proceed to dispose of this petition.

This petition has been preferred under section 11(6) and section 14 of the Arbitration and Conciliation Act. By this petition, the petitioner seeks the termination of the mandate of the learned arbitrator who is the Vice Chairman of the respondent DDA, and also seeks the appointment of an independent arbitrator.

The parties entered into a license agreement on 23.04.2007. The petitioner was granted the license in respect of a parking site. The petitioner had certain grievances in relation to the said license. The license deed, an unsigned copy whereof has been placed on record, is

4

an admitted document, inasmuch as Mr. Narula states that the original signed copy is available in the record with the respondent.

Clause 24 of the said license deed provides that in case of any dispute arising between the parties in respect of interpretation or performance of any terms or conditions of the license deed, the same shall be referred to the sole arbitration of the vice chairman of the respondent DDA, whose decision thereon shall be final and binding on the parties.

As the petitioner had certain grievances, the petitioner invoked the arbitration agreement vide communication dated 17.08.2009. Despite the invocation of the said agreement, the sole arbitrator, namely, the Vice Chairman of DDA has failed to act as no proceedings have been held by him till the date of the filing of the petition, i.e. 28.04.2010 or even thereafter.

The arbitration agreement between the parties has named the arbitrator. The agreement has been invoked by the petitioner. However, the named arbitrator has failed to act in the matter despite passage of nearly seven months till the date of filing of the petition. Consequently, there could be no doubt that the mandate of the learned arbitrator stands terminated, as he has failed to act without any undue delay. Accordingly, the mandate of the Vice Chairman, DDA as arbitrator stands terminated.

In view of the fact that there is an arbitration agreement between the parties and the disputes between them have to be resolved through arbitration, I allow this petition and appoint Mr. Babu Lal, retired ADJ as the sole arbitrator to adjudicate the claims and counter claims of the parties.

The fee of the learned arbitrator shall be paid as per the schedule of the Delhi High Court Arbitration Centre. Learned counsel for the petitioner, on instructions, states that the petitioner is agreeable to the conduct of the arbitration under the Rules of the Delhi High Court Arbitration Centre. Mr. Narula, however, wishes to take instructions in this regard. He is permitted to do so.

In case the respondent is also agreeable to the conduct of the arbitration under the Rules of the Delhi High Court Arbitration Centre, the parties may sign the joint memorandum and place it on record within two weeks.

A copy of this order be communicated to the learned arbitrator as also to the Delhi High Court Arbitration Centre.

Petition stands disposed of. Dasti.

DECEMBER 08, 2010
sr



VIPIN SANGHI, J

→ Pres. IA 9708/11 Filed.

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

+ ARB.P. 121/2010

SAMAR SINGH Petitioner
Through: Mr. B.L.Wali, Advocate.

versus

DDA Respondent
Through: Mr. Yash Gandan for Mr. Bhupesh
Narula, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
01.08.2011

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I.A.9708/2011

By this application, the petitioner seeks the appointment of a substitute Arbitrator as the appointee, Mr. Babulal, Retd. ADJ has expressed his inability to proceed with the matter.

In view of the aforesaid position, the mandate of Mr. Babulal, Retd. ADJ stands terminated. Accordingly, I appoint Mr. S.P. Sabarwal, Retd. ADJ as the substitute Arbitrator. Application stands disposed of.

Dasti.



VIPIN SANGHI, J

AUGUST 01, 2011
as

- Fresh I.A. 5557/12 for U/s 15(2) filed CP-20 (for I.A.)

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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 121/2010

SAMAR SINGH

..... Petitioner

Through: Mr. B.L. Wali, Advocate.

versus

DDA

..... Respondent

Through: Mr. Bhupesh Narula, Advocate

CORAM: JUSTICE S. MURALIDHAR

ORDER

26.03.2012

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IA No. 5551/2012 (by Petitioner under Sec. 15(2) of the Arbitration & Conciliation Act, 1996)

1. Counsel for the parties have been heard.
2. In place of Shri S.P. Sabharwal, a retired ADJ who has declined to act as an Arbitrator, this Court appoints Mr. Prem Kumar, retired ADJ, r/o 68-B, Pocket F, Alaknanda, Gangotri Enclave, New Delhi-19 (Mob. 9873176030) as Arbitrator. The fees deposited at the Delhi High Court Arbitration Centre (DHCAC) will be made over to Mr. Prem Kumar. The proceedings will be conducted by Mr. Prem Kumar at his office/residence. The DHCAC will send the record to the learned Arbitrator forthwith.

3. The application is disposed of.

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4. Order dasti to the parties. A copy of the order be sent to learned Arbitrator as well as the Co-ordinator, DHCAC.



S. MURALIDHAR, J.

MARCH 26, 2012

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