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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 350/2010

M/S DRIVE INDIA ENTERPRISE SOLUTIONS LTD Petitioner
Through : Mr. J.S. Bhasin and Ms. Rashmi Priya,
Advs.

versus

NISHA MANGLA & ORS Respondents
Through : Mr. Vijender Kharb and Mr. Nitin Yadav,
Advs.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI

ORDER
16.11.2011

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1. This is a petition under Section 11 of Arbitration and Conciliation Act, 1996, for appointment of Arbitrator.
2. Counsel for the petitioner has drawn the attention of the Court to Clause 34 of the Agreement dated 28.6.2007 entered into between the parties as per which all disputes and differences arising out of or in any way touching or concerning this Agreement whatsoever shall be referred to a sole Arbitrator.
3. Learned counsel for the respondents has opposed the present petition on the ground that in terms of Clause 8 of the said Agreement in case the security deposit was not refunded to the petitioner, the petitioner was to hold on to the possession of the premises, which the petitioner failed to do so. Another objection taken by counsel for the respondents is that parties have arrived at an amicable settlement, which fact is disputed by counsel for the

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4. I have heard counsel for the parties and also perused the Agreement

dated 28.6.2007 entered into between the parties. In my view the dispute raised by the petitioner is covered by the Arbitration Clause. Accordingly, present petition is allowed. It is suggested by counsel for the parties that a former Judge of this Court may be appointed as a Sole Arbitrator.

5. Accordingly, Justice J.P. Singh, a former Judge of this Court, (Cell No.9810053190; 28745905) is appointed as Sole Arbitrator to adjudicate upon all disputes and differences including claims and counter claims arising between the parties. It is agreed between the parties that fee of the Arbitrator shall be borne by the parties equally as per the schedule maintained by Delhi High Court Arbitration Centre.
6. It is also submitted by counsel for the respondents that leave may be granted to the respondents to raise all objections, which have been raised in the reply to the present petition before the Arbitrator. Leave, as prayed for, is granted.
7. Petition stands disposed of.
8. Let a copy of this order be sent directly to learned Arbitrator.


G.S.SISTANI, J

NOVEMBER 16, 2011

msr