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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 380/2011

ARCHANA GOEL

..... Petitioner

Through: Mr.Kishore M. Gajaria, Advocate

versus

M/S URBAN IMPROVEMENT CO PVT LTD Respondent

Through: Mr.Anshum Jain and Mr.Amol Sinha, Advs.

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ARB.P. 119/2012

SHALINI SAXENA

..... Petitioner

Through: Mr.Kishore M. Gajaria, Advocate

versus

M/S URBAN IMPROVEMENT CO PVT LTD

..... Respondent

Through: Mr.Anshum Jain and Mr.Amol Sinha, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

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26.04.2012

Both petitions have been filed under Section 11(5) and (6) of the Arbitration & Conciliation Act, 1996 seeking appointment of an arbitrator.

The only objection raised by counsel for the respondent is that petitioner has also approached the Company Law Board and has assailed the resolution passed by the respondent, and, thus, the same subject matter cannot be referred to an arbitrator. Counsel for the petitioner submits that the apprehension of the respondent is unfounded, in view of the fact that the multiple prayers have been made before the Company

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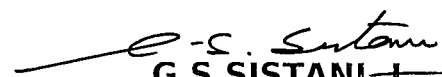
Law Board and only an application in this regard has been filed, however, after the arbitrator is appointed, the said application will be withdrawn.

Having regard to the stand taken by counsel for the petitioner and in the absence of any reply to these petitions for appointment of an arbitrator and in the absence of any justifiable reason pointed out by counsel for the respondent during the course of hearing, both the petitions [ARB.P. 380/2011 & ARB.P. 119/2012] are allowed.

Accordingly, Justice Mohd. Shamim, a former judge of this Court (Cell No.9971156991) is appointed as Sole Arbitrator to adjudicate upon all disputes and differences including claims and counter claims arising between the parties. Total, fee of the Arbitrator, as agreed, is fixed at Rs.2.0 lacs in both the matters, which shall be shared by the parties equally. The Arbitrator shall give prior notice to the parties before commencing the proceedings. Petition stands disposed of. Let a copy of this order be sent directly to learned Arbitrator. DASTI to counsel for parties.

APRIL 26, 2012
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ARB.P. 380/2011 & ARB.P. 119/2012


G.S.SISTANI, J