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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ ARB.P. 606/2014

ASHOK KUMAR GANDHI

..... Petitioner

Through: Mr. S.K. Gulati, Mr. Rakesh Kumar,
Ms. Divya, Advs.

versus

M/S BHOOMI INFRASTRUCTURE
COMPANY & ORS

..... Respondents

Through: Mr. Ratish Kumar, Mr. Sanjay
Sharawat, Advs.

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+ ARB.P. 607/2014

DINESH KESHAVJI PATEL

..... Petitioner

Through: Mr. S.K. Gulati, Mr. Rakesh Kumar,
Ms. Divya, Advs.

versus

M/S BHOOMI INFRASTRUCTURE
COMPANY & ORS

..... Respondents

Through: Mr. Ratish Kumar, Mr. Sanjay
Sharawat, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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18.09.2015

1. The petitioners are seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.
2. The Memorandum of Understanding dated 30th November, 2013 between the parties is not in dispute. Clause 11 of the MOU dated 30th November, 2013 contains the arbitration agreement. The petitioners invoked the arbitration by notice dated 1st October, 2014 which was replied by the respondent on 9th October, 2014. The respondent in its reply has no

serious objection to the initiation of arbitration proceedings.

3. Learned counsels for the parties submit that the arbitration fees be computed by taking the gross value of both the claims. It is submitted that the claim amount in Arb.P.606/2014 is Rs.14.22 crores whereas the claim amount in Arb. P.607/2014 is Rs.23.38 crores.

4. The petitions are allowed and Justice R.C. Lahoti (Retd.) is appointed as sole arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC').

5. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (DAC) (Administrative Cost Arbitrator's Fees) Rules. However, the Delhi International Arbitration Centre shall compute the fees of the arbitration by taking the gross value of both the claims.

6. Copy of this order be given *dasti* to counsel for the petitioner under the signature of the Court Master. A copy of this order be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.


J.R. MIDHA, J.

SEPTEMBER 18, 2015

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