

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

+ **ARB.P. 381/2015**

% Date of Decision: 09th September, 2015

VINNU GOEL Petitioner

Through: Mr. Nishant Das, Advocate

versus

ASSOTECH LTD Respondent

Through: Mr. Rakesh Sinha, Advocate

AND

+ **ARB.P. 382/2015**

VINNU GOEL Petitioner

Through: Mr. Nishant Das, Advocate

versus

ASSOTECH LTD Respondent

Through: Mr. Rakesh Sinha, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT

1. The petitioner is seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act.
2. There is valid arbitration agreements dated 9th November, 2011 and 15th November, 2011 between the parties, which provide for resolution of disputes by a named arbitrator. The disputes have arisen between the parties. Vide letter dated 7th April, 2015, the petitioner issued notice to the named arbitrator to enter upon reference. However, the named arbitrator

vide letter dated 18th May, 2015 has expressed his inability to enter upon reference due to health reasons. The petitioner, therefore, has approached this Court for appointment of an arbitrator.

3. Learned counsels for both the parties agree for appointment of a sole arbitrator by this Court. Learned counsels, however, submit that the arbitrator should enter upon reference after 120 days to enable the parties to make an endeavour to amicably resolve their disputes.

4. The petition is allowed and Justice Manju Goel (Retd.) is appointed as sole arbitrator to adjudicate the disputes between the parties including their claims and counter-claims.

5. The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (DAC) (Administrative Cost Arbitrator's Fees) Rules.

6. The Delhi International Arbitration Centre (DAC) shall wait for a period of 120 days to enable the parties to resolve their disputes through mediation. In the event of failure of the parties to resolve their disputes within 120 days, DAC shall commence the arbitration proceedings.

7. Copy of this order be given *dasti* to counsel for the parties 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
(JUDGE)

SEPTEMBER 09th, 2015
rsk