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

+ ARB.P. 191/2016

PERCEPT LIMITED

..... Petitioner

Through

Ms.Malvika Lal, Adv. with Ms.Nadia Rafiq, Adv.

versus

PRANAAM MEGASTRUCTURES PVT. LTD. & ORS.

..... Respondents

Through

Ms.Sumedha Dua, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **01.08.2016**

The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996. The respondent No.1 is a Company. The agreement is signed by one Mr.Pradeep Bansal, Finance Controller on behalf of the Company. Learned counsel for the respondents submits that the respondents have no objection if the matter between the petitioner and respondent No.1 be referred to Delhi International Arbitration Centre ('DAC') for the purpose of appointment of an Arbitrator in accordance with the provisions of the Act. As far as respondent No.2 to 4 are concerned, learned counsel for the respondent No.1 submits that they are not the party to the agreement, although, the agreement is signed by Mr.Pradeep Bansal, Finance Controller on behalf of respondent No.1 Company. Learned counsel for the petitioner submits that as far as the other respondents are concerned, the petitioner is ready to delete the same. However, at the time of any

enforcement of award, if published in favour of the petitioner, he would take the necessary steps in order to recover the decretal amount from the Directors also. Let the petitioner at that stage do so as per the law. As far as, this issue is concerned, the same will be considered at the time of enforcement of award if rendered or published in favour of the petitioner. As agreed, the names of the respondents No. 2 to 4 are deleted from the array of parties. The petitioner to file the amended memo of the parties within one week from today.

The matter is referred to the Delhi International Arbitration Centre ('DAC') who will appoint an Arbitrator in accordance with the provisions of the Act. The Arbitrator to adjudicate the disputes arising out of the agreement in question between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator.

The arbitration shall take place under the aegis of DAC. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator's Fees) Rules. Parties to appear before the Centre on 12th August, 2016 at 4.00 p.m.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

AUGUST 01, 2016/vp