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

+ ARB.P. 204/2016

V. SARAVANAN

..... Petitioner

Through Mr.Desh Raj, Adv. with Mr.Shikhar
Kumar, Adv.

versus

RISHIKESH HIRE PURCHASE AND LEASING COMPANY PVT.
LTD.

..... Respondent

Through Mr.Harpreet Singh, Adv. with
Mr.Siddharth Khattar, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **04.04.2016**

Caveat No.300/2016

Since the learned counsel for the caveator/respondent has entered appearance, the caveat stands discharged.

ARB. P. No.204/2016

The present petition has been filed by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996. The petitioner is seeking appointment of an independent Arbitrator than the nominated Arbitrator in the agreement having been appointed by the respondent. The respondent has appointed Mr.Ravi Bhushan Goyal, Chartered Accountant, as Arbitrator who is the Auditor of the respondent-Company.

Issue notice to the respondent. Learned counsel appearing on behalf

of respondent, who is on caveat, accepts the notice. After small discussion, with the consent of both the parties, the present petition is disposed of, on the following terms and conditions:-

- (i) The arbitration proceedings pending before the earlier Arbitrator Mr.Ravi Bhushan Goyal, Chartered Accountant, are terminated, in view of the reason that both the parties are agreeable if Hon'ble Mr. Justice M.A. Khan, Retired Judge of this Court, (Mob. 9810780634), is appointed as sole Arbitrator to adjudicate the disputes between the parties. Ordered accordingly.
- (ii) As has been informed, the earlier Arbitrator has not commenced the proceedings, but he has held preliminary hearing, therefore, the parties would be entitled to file their claims and counter-claims before the Arbitrator appointed by this Court. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The parties are agreeable for a sum of Rs.2 lac as fees of the learned sole Arbitrator which would be shared by both the parties. The parties to appear before the Arbitrator on 20th April, 2016 at 4.00 p.m. for directions.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be communicated to the learned Arbitrator forthwith.

MANMOHAN SINGH, J.

APRIL 04, 2016/ka