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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 246/2016

SURESH KUMAR MALIK & ORS Petitioners
Through: Mr. Arvind Chaudhary, Advocate.

versus

UNIVERSAL BUILDWELL PVT. LTD. Respondent
Through: Ms. Nidhi Banga, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

21.10.2016

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (Act) filed by the Petitioners against the Respondent seeking the appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the Builder Buyer Agreement dated 15th May, 2008.
2. The said agreement contains an arbitration clause. The Petitioner sent a legal notice dated 22nd February, 2016 to the Respondent invoking Clause Q, the arbitration clause, in terms of the Agreement between the parties seeking reference of the dispute to arbitration. Till date there is no response to the said letter.
3. The fact that there is an arbitration clause and that the Petitioner sent a legal notice invoking it to which no reply was filed remains uncontroverted.
4. The Court, accordingly, proposes that Mr. H.S. Sharma, retired Additional District Judge, (Mobile No. 9910384647) be appointed as sole Arbitrator to adjudicate the disputes between the parties including their

claims and counter-claims. The proposed Arbitrator will proceed in terms of the Arbitration and Conciliation Act, 1996 as amended with effect from 23rd October 2015. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

5. Subject to compliance with the above direction, Mr. H.S. Sharma will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

6. The petition is disposed of. A copy of this order be communicated to Mr. Sharma as well as Additional Coordinator, DAC forthwith.

S. MURALIDHAR, J

OCTOBER 21, 2016

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