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

+ ARB.P. 300/2016

PT. SHRADHA RAM TRUST COMMITTEE ..... Petitioner  
Through Mr.Anil Sapra, Sr. Adv. with  
Dr.Harsh Pathak, Ms.Shweta  
Mahajan, Mr.Siddhartha Shukla,  
Ms.Gurveen Dhaliwal and  
Ms.Abhiruchi Mongi, Adv.  
Mr.Soumyajit Pani, Adv. for Mr.D.K.  
Kapila, Original Trustee of petitioner.

versus

AKHIL BHARTIYA BRAHMAN MAHASABHA (REGD.) & ORS  
..... Respondents  
Through Mr.Deeptakirti Verma, Adv. with  
Ms.Aparna Iyer, Adv. for R-2.  
Mr.Peeyoosh Kalra, ASC with  
Ms.Sona Babbar, Adv. for R-3.  
Mr.D. Verma, Adv. for R-5.

**CORAM:**  
**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**ORDER**  
% **02.06.2016**

**ARB.P. 300/2016 & I.A. No.7311/2016**

The abovementioned petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996.

The main contest on the dispute is between the petitioner and respondent No.2 as per amended memo of parties. Earlier in the amended memo of parties the respondent No.2 was arrayed as respondent No.5. The

respondent No.1 is not served. Counsel for the petitioner gives up the respondent No.1. The name of the respondent No.1 is deleted from the array of the parties. Fresh amended memo of parties be filed within eight weeks from today.

The petitioner and respondent No.2 admit that there is no written arbitration agreement between the parties. The present petition has been filed in view of the observation made in the Writ Petition No.2758/2008. Parties have no objection if this Court may appoint the arbitrator and matter be referred to the Delhi International Arbitration Centre ('DAC'). The petitioner has earlier appointed the Arbitrator who is retired Judge of this Court. Similarly, respondent No.2 has suggested the five names of the arbitrators. After some discussion, the petitioner and respondent No.2 agreed that none of those arbitrators be appointed by the Court and the name given by them cannot be considered.

Certain names were discussed by both the parties. However, after some discussion both the parties are agreeable that the sole Arbitrator be appointed by Delhi International Arbitration Centre ('DAC').

During the course of discussion, one Mr.Soumyajit Pani, Advocate appeared on behalf of Mr.D.R. Kapila, one of the alleged trustee. He submits that Mr.D.R. Kapila also wishes to join the arbitration proceedings for which petitioner and respondent No.2 have no objection. Respondent No.6 (now respondent No.3 as per amended memo of parties) is served who has no objection if the matter be referred for arbitration in view of the Writ Petition.

Under these circumstances, the matter is referred to the 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. The centre may not insist for written arbitration agreement as the present petition has been filed in view of the order passed in the Writ Petition.

The petition as well as pending applications 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.**

**JUNE 02, 2016/vp**