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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 320/2016

SURAJ BHAN MEHTA & ORS

..... Petitioner

Through: Wg. Cdr. Ajit Kakkar with Mr. Pravin
Kumar Taank, Advocates.

versus

ZION PROMOTERS & DEVELOPERS PVT. LTD

& ORS

..... Respondents

Through: Mr. Gaurav Gupta with Mr. Jaspal Singh,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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04.10.2016

1. Respondent Nos. 2, 3 and 4 are only directors of Respondent No. 1 which is represented through counsel. The agreement is between the Petitioner and Respondent No. 1. Accordingly, Respondent Nos. 2, 3 and 4 are deleted from the array of the parties.

2. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('Act') filed by the Petitioners seeking the appointment of an Arbitrator for adjudication of disputes arising out of the Memorandum of Understanding ('MoU') dated 7th May, 2012 entered into with Respondent No.1.

3. Learned counsel for the Respondent at the outset sought time to file additional documents. Considering that the notice in this petition issued way back on 23rd May, 2016 and was also served upon the Respondent much prior

to 28th July, 2016, there was sufficient time for the Respondent to have responded to the present petition with all the necessary documents. The request is declined.

4. The point involved in this petition is whether the Petitioner's plea for the appointment of an Arbitrator is tenable.

5. There is no dispute that the MoU in question contains an arbitration clause stating that the venue of the arbitration shall be in Delhi and that the Courts in Delhi shall alone have jurisdiction to try and decide any dispute between the parties in respect of the MoU or on reference to arbitration.

6. In that view of the matter, the Court appoints Dr. T.R. Naval (Mobile:9910384662), a former District Judge as an Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules. All the pleas of the parties are left open to be urged before the learned Arbitrator.

7. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

OCTOBER 04, 2016/Rm