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

+ ARB.P. 319/2016

ATUL SAINI Petitioner
Through Ms.Rajashree Ajay, Adv.

versus

AMARPALI SAPPHIRE DEVELOPERS P. LTD. THROUGH ITS
MANAGING DIRECTOR Respondent
Through Mr.Karunesh Tandon, Adv. with
Mr.Suresh C. Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **02.09.2016**

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

No reply has been filed.

Section 36 of the Arbitration Clause Agreement reads as under:-

“36. All or any dispute arising out of or touching upon any term(s) of this Agreement including the interpretation and validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion failing which the same shall be settled through Arbitration. The arbitration proceedings shall be governed by the Arbitration and Conciliation Act, 1996 and/or statutory amendments/modifications thereof for the time being in force. The arbitration proceedings shall be held at an appropriate location in New Delhi/Delhi. Subject to the Arbitration, the Courts at Gautam Budh Nagar shall have the jurisdiction in all

matters arising out of or touching upon any of the terms and conditions of this Agreement.”

It is clear from the said clause that the parties agreed that the arbitration proceedings would be governed by the Arbitration and Conciliation Act, 1996 and the same would be held at New Delhi/Delhi. Under these circumstances, the prayer made in the petition is allowed. Mr. Anoop Bagai, Senior Advocate (Mobile No.9811062064) is appointed as sole Arbitrator to adjudicate the disputes 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 respondent is always at liberty to raise the objections, which are available under the law, before the Arbitrator and the same will be considered as per its own merits.

The arbitration shall take place under the aegis of Delhi International Arbitration Centre (‘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 Schedule of the amended Act. The parties to appear before the Arbitrator on 21st September, 2016 at 4.00 p.m. for directions.

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 learned Arbitrator as well as Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

SEPTEMBER 02, 2016/ka