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

+ ARB.P. 330/2016

INDIACAN EDUCATION PVT. LTD. Petitioner

Through: Mr Abhinav Mukhi, Advocate.
versus

PRAVEEN SHARMA Respondent

Through: Mr Rikky Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.08.2016**

1. The petitioner has filed the present petition, *inter alia*, praying that an Arbitrator be appointed for adjudicating the disputes that have arisen between the parties.
2. The learned counsel for the respondent fairly states that the issues are fully covered by the decisions of this Court in *M/s Indiacan Education Pvt. Ltd. Amit Popli (ARB.P.235/2016) & M/s Indiacan Education Pvt. Ltd. v. Rakesh Kumar Mehta (ARB.P.241/2016)* rendered on 04.08.2016. However, he submits that in the present case the respondent has filed a company petition for winding up of the petitioner (Co.Pet.No.37/2016). He requests that it be clarified that appointment of the Arbitrator would not be construed to mean that the disputes raised by the petitioner are *bonafide* so as to prejudice the respondent's contentions in those proceedings. He further requests that it be clarified that all contentions of the parties are open.
3. The learned counsel for the petitioner also states that the proceedings filed before the Company Court are completely independent. In the

circumstances, it is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the disputes between the parties. It is also clarified that all contentions of the parties are open.

4. With the aforesaid observations Mr Sanjoy Ghose, Advocate (Mobile No.9811118889) is appointed as a Sole Arbitrator for adjudication of the disputes between the parties. It is expected that the Arbitrator shall conclude the proceedings within a period of three months from today. The fees of the Arbitrator shall be in terms of the Schedule IV of the Arbitration and Conciliation Act, 1996.

5. The parties shall appear before the Arbitrator for a preliminary hearing on 05.09.2016 at 5:00 PM.

The petition is disposed of.

VIBHU BAKHRU, J

AUGUST 31, 2016
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