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

+ **ARB.P. 368/2016**

SHIV SARAN & SONS HUF & ANR. Petitioners
Through: Ms Sonam Anand, Advocate.

versus

JITENDER KUMAR CHOPRA Respondent
Through: Mr Lovkesh Sawhney and Mr Hari
Kishan, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **21.03.2017**

IA No. 3569/2017

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

IA No. 3568/2017

1. This is an application filed on behalf of the respondent, *inter alia*, praying that the order passed on 26.09.2016 be modified. The principal grievance of the applicant relates to the fees fixed by the arbitral tribunal. The applicant claims that he is not in a position to bear the fees of the arbitral tribunal and *inter alia* prays that the fees of the arbitral tribunal, which is fixed at ₹75,000/- per arbitrator, be reduced.

2. By virtue of the order passed on 26.09.2016, the petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') was disposed of as the parties had already nominated their respective

arbitrators. This Court had neither appointed any arbitrator nor fixed the terms for their appointment. In the circumstances, the application seeking modification of the said order is wholly misconceived.

3. However, before parting with this application, it is necessary to observe that on 26.09.2016, the learned counsel appearing for the petitioner (non applicant) had requested that a sole arbitrator be appointed to adjudicate the disputes between the parties. The said request was opposed by the applicant (respondent) who insisted that a arbitral tribunal of three members, including the former Judge of this Court as nominated by him, be constituted. It is necessary to observe above, since the order passed on 26.09.2016 did not specifically record this fact.

4. In view of the above, it is difficult to appreciate the applicant's grievance with regard to costs of arbitration. In any case, as noted above, the prayers made in the application cannot be entertained in this disposed of petition.

5. The application is dismissed.

VIBHU BAKHRU, J

MARCH 21, 2017
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