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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB P.384/2016

GEE INTERNATIONAL THROUGH PROP Petitioner
Through: Mr. Sanjay Bansal, Advocate.

versus

DSIIDC THROUGH CHIEF ENGINEER - III EDUCATION &
ANR. Respondent
Through: Mr. A. Garg, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.10.2016

1. Having heard learned counsel for the parties, the Court is of the view that since for the purposes of Section 11 (6 A) of the Arbitration and Conciliation Act 1996 ('Act') the existence of an arbitration agreement is not disputed, the disputes can be referred to a sole Arbitrator. The objection that the Respondent has raised in its reply with regard to limitation can be raised before the learned Arbitrator in accordance with law. It is agreed that the entire dispute can be decided on affidavits filed by both the parties without any need for cross-examination of any witnesses.

2. In that view of the matter, the Court proposes that Ms. Vibhooti Malhotra, Advocate (Mobile No. 9811155275) be appointed as sole Arbitrator to adjudicate the disputes between the parties including claims and counter-claims. The fees is fixed at Rs. 70,000 which shall be shared equally by the Petitioner and the Respondent. This is apart from the expenses which will again be shared equally by the parties. In the first instance the proposed Arbitrator will make a disclosure to the parties in

terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

3. The parties will appear before Ms. Malhotra on 28th November 2016 at 4 pm or some other date and time convenient to her as may be intimated to the parties at least one week in advance at a venue to be arranged by the Petitioner, the expenses for which will be shared equally by the parties. The Petitioner should file its claims by the above date. The Arbitrator will proceed on the affidavits filed by the parties and render the Award within a period of four months from the date of the first hearing.

4. The petition is disposed of. A copy of this order be delivered to Ms. Vibhooti Malhotra forthwith.

S.MURALIDHAR, J

OCTOBER 20, 2016
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