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

+ **ARB.P. 478/2013**

M/S RAJ BUILDERS Petitioner
Through: Mr.Vivekanand, Advocate.

Versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondents

Through: Mr.Vaibhav Agnihotri, Advocate.
Mr.Gaurav Bhargava, Additional
Standing Counsel/NDMC.

CORAM: JUSTICE S.MURALIDHAR

ORDER

% **20.10.2016**

1. It was noticed by this Court in its order dated 08th April, 2016 during the pendency of the present petition, that a substantial amount had already been paid by the Respondents to the Petitioner.
2. Learned counsel for the Petitioner states that by voucher dated 23rd November, 2015 a sum of Rs.892928/- was released to the Petitioner out of the total amount of Rs.1313129/-. Thus the balance amount is Rs.420201/-. Consequently, the petitioner's claim now is confined to the said amount of Rs.420201/- together with interest thereon.
3. The said dispute which is confined to the outstanding amount of Rs.420201/- together with interest is therefore referred to the arbitration. Accordingly, the Court proposes that Mr. Somiran Sharma, Advocate

(Mobile No. 011-22711162, 9958359002) be appointed as the sole Arbitrator to adjudicate the above claim. The fees of Arbitrator is fixed at Rs.50,000/- which should be shared equally by the parties. 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.

4. The parties will appear before learned Arbitrator on 21st November, 2016 at 4 pm or some other date and time convenient to him 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 that date. The records will be produced before the learned Arbitrator by the Respondent. 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.

5. The petition is disposed of in the above terms. Order be given *dasti*. A copy of this order be delivered to Mr. Samiran Sharma forthwith.

OCTOBER 20, 2016
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S.MURALIDHAR, J