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

+ **ARB.P. 565/2016**

AJAY GOSWAMI

..... Petitioner

Through Mr Manan Bansal, Advocate.

versus

SHUBHKAMNA BUILDTECH P LTD

..... Respondent

Through Mr Karan Sachdeva and Mr Prashant
Chaudhary, Advocates with Mr Amit Kumar
Trivedi, DGM (Admn.)

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.11.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in respect of Builder-Buyer Agreement dated 19.12.2012.

2. The aforesaid agreement contains an arbitration clause which is set out below:-

"32. That the Buyer agrees that in the event of any dispute or differences arising out of or touching upon or in relation to the terms & conditions of the Agreement including the interpretation and validity of the terms thereof and the respective rights and obligations of the two parties, the same shall be referred by any party for

adjudication to a sole arbitrator to be appointed with the mutual consent of both the parties whose decision shall be final and binding upon the parties. The arbitration proceedings shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 or any statutory amendments/modifications thereof for the time being in force. The place of arbitration proceedings shall be in Delhi."

3. It is not disputed that in view of the disputes, the petitioner had invoked the arbitration clause, however, the arbitrator has not been appointed.

4. The learned counsel appearing for the respondent, on instructions of Mr Amit Kr.Trivedi, DGM (Admn.), who is present in Court, states that the respondent has no objection to appointment of an arbitrator. However, he also submits that it would be expedient if the parties are referred to Delhi High Court Mediation and Conciliation Centre (DHCMCC) for an amicable resolution of their disputes.

5. In the aforesaid circumstances, it is directed that an Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The representatives of the parties shall appear before the Coordinator, DIAC on 19.01.2017 at 11:00 a.m. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. In view of the statement that the respondent is ready and willing for an amicable resolution of the disputes, the parties are directed to appear either personally or through their representatives before the DHCMCC on 15.12.2016 at 3.30 p.m. The parties shall endeavour to resolve their disputes

within a period of four weeks from the said date. In the event, the parties are able to do so, they shall communicate the same to the coordinator of DIAC and no further steps would be required for proceeding with the arbitration. However, if the parties are unable to resolve the disputes within a period of four weeks as stated above, they shall approach the Co-ordinator, DIAC as directed.

7. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 25, 2016

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