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

+ **ARB.P. 567/2016**

SANDEEP KWATRA & ORS. Petitioners

Through: Mr. Vidur Bhatia, Advocate.

versus

BODHISATTVA ESTATES PRIVATE LIMITED Respondent

Through: Mr. Mohinder J.S. Rupal & Ms. Simran
Jeet, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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23.11.2016

1. Having heard the learned counsel for the parties, the Court is of the view that since the existence of the arbitration agreement is not in dispute and the fact that the Petitioners have invoked the arbitration clause by sending a legal notice on 18th June, 2016 is also not in dispute, there is no impediment to the appointment of an Arbitrator while leaving the respective contentions of the parties as regards merits of the disputes to be urged in the arbitration.

2. The Court, accordingly, proposes that Justice S.N. Dhingra (Mobile No. 9871300027) a former judge of this Court be appointed as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance the proposed

Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. 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. Subject to compliance with the above direction, Justice S.N. Dhingra will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

4. The petition is disposed of. A copy of this order be communicated to Justice S.N. Dhingra as well as Additional Coordinator, DAC forthwith.

NOVEMBER 23, 2016
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S. MURALIDHAR, J.