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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) 282/2015

JOGINDER PAL SINGH BAKSHI

..... Petitioner

Through: Mr. Amit Gupta, Mr. Anant

A. Pavgi, Ms. Mansi Kukreja, Advocate.

versus

VISHNU CONSTRUCTIONS & ANR.

..... Respondents

Through: Mr. Anand Shankar, Mr. Amitabh Kr.
Chaubey, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

16.11.2016

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1. Both the parties have agreed that in this petition itself the Court can appoint an Arbitrator to adjudicate the disputes.

2. Considering that arbitration clause was invoked by the Petitioner by sending notice dated 13th December 2014, the arbitral proceedings for the purposes of Section 21 of the Arbitration and Conciliation Act, 1996 ('Act') is deemed to have commenced prior to amendment of the Act with effect from 23rd October 2015.

3. The Court appoints Mr. S.L. Khanna, a former Additional District Judge (Mobile No. 9810688466) 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'). 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 the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

5. The interim order passed by this Court on 30th June 2015 is directed to continue till such time the learned Arbitrator varies or modifies it in accordance with law in an application that may be filed by either party under Section 17 of the Act.

6. A grievance is made by learned counsel for the Petitioner that although the possession of the basement has been handed over to the Respondent, the Respondent has permitted it to be occupied by certain workers. This fact is, however, denied by the Respondent who states that there are only certain caretakers appointed for the purposes of ensuring the security of the basement as well as the second floor which is in possession of the Respondent. Any further directions in this regard can be passed by the learned Arbitrator.

7. The petition is disposed of in the above terms. Order *dasti*.

S. MURALIDHAR, J

NOVEMBER 16, 2016

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