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

+ O.M.P. 1645/2014 & I.A. No.25960/2014 (for stay)

IMPERIA STRUCTURES LTD Petitioner
Through Mr.Tarun Singla, Adv.

versus

M/S F4S SAFEGUARD AND FACILITIES PVT LTD & OTHERS Respondent
Through Mr.Vikas Chhabra, Adv. with
Mr.Ajeet Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **02.09.2016**

Pleadings are complete.

The petitioner has filed the present petition under Section 14(2) of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:-

- “a) Declare that there is no arbitration agreement as per Section 7 of the Arbitration and Conciliation Act, 1996 as such court is not bound to refer the matter to the Arbitration U/s 8;
- b) Terminate the alleged mandate of alleged arbitrator appointed under forged and fabricated agreement;
- c) Appoint an independent arbitrator U/s 11 of the Arbitration and Conciliation Act, 1996 for deciding preliminary objections and issue wrt the existence of the agreement dated 25.10.2012.”

Learned counsel for both the parties, upon instructions, are agreeable

that the mandate of the earlier Arbitrator Mr.Om Prakash Sharma, respondent No.3 herein be terminated and let a sole Arbitrator be appointed by this Court who may decide the disputes between the parties. With the consent of the parties, it is ordered accordingly. Mr.O.P.Gupta, Retired District Judge (Mobile No.9910384645) is appointed as sole Arbitrator to adjudicate the disputes between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator as well as to raise all the pleas taken in the present matter.

The arbitration shall take place under the aegis of Delhi International Arbitration Centre ('DAC'). The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Schedule of the amended Act. The parties to appear before the Arbitrator on 22nd September, 2016 at 4.30 p.m. for directions.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

SEPTEMBER 02, 2016/ka