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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 624/2016

ANIL GOYAL

..... Petitioner

Through: Mr. Sonam Sharma and Ms. Srishty
Kaul, Advocates.

versus

PRAKASH PLASTIC INDUSTRIES & ORS.

..... Respondents

Through: Mr. Manish Aggarwal and Mr. Dushyant
K. Mahant, Advocates.

AND

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O.M.P. (I) (COMM.) 92/2006

ANIL GOYAL

..... Petitioner

Through: Mr. Sonam Sharma and Ms. Srishty
Kaul, Advocates.

versus

PRAKASH PLASTIC INDUSTRIES & ORS.

..... Respondents

Through: Mr. Manish Aggarwal and Mr. Dushyant
K. Mahant, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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06.10.2016

IA No. 12511/2016 (for exemption) in ARB.P. 624/2016

1. Allowed, subject to all just exceptions.

ARB.P. 624/2016 & O.M.P. (I) (COMM.) 92/2006 & IA Nos. 8254/2016 & 10169/2016

2. Arb.P. 624/2016 is a petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 ('Act') filed by Anil Goyal seeking the appointment of an Arbitrator to adjudicate the disputes between him and Respondent No. 1 and its partners, Respondent Nos. 2 to 4, arising out of a Partnership Deed dated 1st August, 2003.

3. While the Respondents do not have any objection to the appointment of an Arbitrator, they state that the Partnership Deed that should be acted upon is the one dated 1st July 2015, the original of which is in their possession. This also contains an arbitration clause.

4. Learned counsel for the Petitioner, however, joins issues since the contention of the Petitioner is that he did not actually sign the said partnership deed dated 1st July, 2015 and that his signatures were taken on the blank papers.

5. Since in any event both partnership deeds contain a similar arbitration clause, there is no difficulty in appointing an Arbitrator to adjudicate the disputes. One of the issues that will be considered by the learned Arbitrator will be in relation to the genuineness of the partnership deed dated 1st July, 2015 being relied upon by the Respondents.

6. The Court clarifies that it has not expressed any view whatsoever on the submissions of the parties on merits.

7. This Court appoints Mr. Balwan Singh Chumbak, a former Additional District Judge, Delhi residing at House No. 5, Sanjay Nagar, Gulabi Bagh, Delhi-110007 (Mobile No. 9717577008) as an Arbitrator to adjudicate the disputes between the parties including their claims and counterclaims. 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 (Administrative Costs and Arbitrators' Fees) Rules.

8. The interim order passed by this Court on 22nd March, 2016 is directed to continue till such time it is modified or varied by the learned Arbitrator in accordance with law. A complete set of the present petition and applications will be filed before the learned Arbitrator as such and be treated as applications under Section 17 of the Act. The learned Arbitrator will proceed to dispose of the said applications in accordance with law.

9. The petitions are disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S. MURALIDHAR, J

OCTOBER 06, 2016/dn