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

+ ARB.P. 376/2015

RAJIV JOSHI Petitioner
Through Mr.Anil Sharma, Adv. with
Mr.Jaskaran Singh, Adv.

versus

ANAND SWAROOP Respondent
Through Mr.Devraj Singh, Adv.

+ O.M.P. (I) 294/2015

RAJIV JOSHI Petitioner
Through Mr.Anil Sharma, Adv. with
Mr.Jaskaran Singh, Adv.

versus

ANAND SWAROOP Respondent
Through Mr.Devraj Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **23.08.2016**

The petitioner has filed the abovementioned two petitions, one being O.M.P. (I) No.294/2015 under Section 9 of the Arbitration and Conciliation Act, 1996 for interim orders, and another being Arb. P. No.376/2015 under Section 11 of the Act for appointment of an Arbitrator.

Learned counsel for the parties state that the settlement is not possible. However, the learned counsel for the respondent states that the respondent has no objection if the disputes between the parties are referred for arbitration.

As far as Section 11 petition is concerned, with the consent of the parties, the prayer made in the petition is allowed. Accordingly, Mr. Ram Krishan Watel, Advocate (A-12, Pamposh Enclave, New Delhi-110048 Tel. 26417429, 26448455, 23388357) 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.

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 fee of the learned Arbitrator shall be in terms of the schedule of the amended Act. The parties to appear before the Arbitrator on 7th September, 2016 for directions.

So far as Section 9 petition is concerned, in view of the order passed in Section 11 petition, both the parties have no objection if the present petition be accordingly disposed of and the interim order as passed on 19th June, 2015 be continued till the same is modified or vacated by the Arbitrator. Ordered accordingly. Liberty is granted to the respondent to move an application for modification/vacation of the said interim order before the Arbitrator, if necessary.

Both petitions are 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.

AUGUST 23, 2016/ka