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

+ O.M.P.(I) 492/2015 & I.A.Nos.752-53/2016, 18018/2015,
23454/2015, 24774/2015

SH. GAJINDER KUMAR LOOND Petitioner
Through Mr.Muneesh Malhotra, Adv. with
Mr.Rituraj Shahi, Adv.
versus

SH. AANSHUL RASTOGI Respondent
Through Mr.Saket Sikri, Adv. with
Mr.Abhimanyu Bhandari &
Mr.Sidharth Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **01.08.2016**

The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996. The respondent has already handed over the possession of the suit property. According to the petitioner more than one crore rupee is due from the respondent even after the adjustment of the security amount. Learned counsel for the respondent No.1 has filed the affidavit of movable and immovable assets. With regard to the immovable property it is deposed by the affidavit of one half undivided flat at Indrapuram, Ghaziabad, UP with HDFC Home Loan, the respondent No.1 will not disposed of the remaining half portion during the pendency of arbitration proceedings. Respondent No.2 Gaurav Parwani has also filed an affidavit with regard to the immovable property. Statement is made that there is HUF property owned by his father i.e. 43/16, East Patel Nagar, New

Delhi. He is present in person and submits that he and his father have no objection with regard to their share if interim order be passed not to dispose of the said property. Learned counsel for the petitioner under these circumstances submits that let the matter be referred to the arbitrator.

Learned counsel for the respondent submits that at present the respondents are offering Rs.3 lacs to the petitioner. Let the said amount be paid by the respondents within seven days from today. With the consent of the parties Mr.Abhijat, Advocate (Mob.9811800833) is appointed as sole Arbitrator to adjudicate the disputes arising out of the agreement in question 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 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 paid in terms of rules of amended Act. The parties to appear before the Arbitrator on 26th August, 2016 at 4:00 pm 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.

MANMOHAN SINGH, J.

AUGUST 01, 2016/vp