

\$~9

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

+ **ARB.P. 681/2015 & IA No.25490/2015**

SURINDER PAL SINGH

..... Petitioner

Through: Mr. Kuldeep Mansukhani & Ms. Asha
Giri, Advocates.

versus

RAJ KRISHAN BAJAJ

..... Respondent

Through: Mr. S.C. Singhal, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

26.10.2016

%

1. It is not in dispute that there is an arbitration clause in the agreement between the parties. What, however, learned counsel for the Respondent seeks to point out is that the parties did not seek to resolve the disputes amicably.

2. As far as the present petitions are concerned, the Section 9 petition filed by the Petitioner has been pending in this Court for more than a year and a half while there were sufficient opportunities for the parties to have attempted to amicably resolve their disputes. Even the Respondent does not seem to have attempted to resolve the disputes with the Petitioner.

3. The next objection is that the arbitration clause requires the appointment of an arbitrator by the Indian Council for Arbitration. However, learned counsel for the Respondent had no objection to the Court appointing a sole Arbitrator.

4. The Court, accordingly, proposes that Mr. Gurdeep Kumar, former District & Sessions Judge (Mobile No. 9910384622) be appointed as the 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).

5. In the first instance, the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and therefore, enter upon reference. The DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

6. Subject to compliance with the above directions, Mr. Gurdeep Kumar will act as Arbitrator and enter upon reference. The fee of Mr. Gurdeep Kumar will be in terms of the Delhi High Court Arbitration Centre (Arbitrators Fees) Rules.

7. The petition and the application are disposed of. A copy of this order be communicated to Mr. Gurdeep Kumar as well as Additional Coordinator, DAC forthwith.

OCTOBER 26, 2016
b'nesh

S. MURALIDHAR, J.