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

+ ARB.P. 660/2015

SH. ANUP N. KOTHARI Petitioner
Through Ms.Anusuya Salwan, Adv. with
Mr.Kunal Kohli & Mr.Abhishek
Pundir, Advs.

versus

SHRI ROOPAK N. KOTHARI Respondent
Through Mr.Vijay Sondhi, Adv. with
Mr.Faisal Sherwani & Ms.Nayamat
Sistani, Advs.

+ O.M.P. 1256/2014

SH. ANUP N. KOTHARI & ANR Petitioners
Through Ms.Anusuya Salwan, Adv. with
Mr.Kunal Kohli & Mr.Abhishek
Pundir, Advs.

versus

SHRI ROOPAK N. KOTHARI & ANR Respondents
Through Mr.Vijay Sondhi, Adv. with
Mr.Faisal Sherwani & Ms.Nayamat
Sistani, Advs.

+ O.M.P.(I) (COMM.) 61/2016

SH. ANUP N. KOTHARI & ANR Petitioners
Through Ms.Anusuya Salwan, Adv. with
Mr.Kunal Kohli & Mr.Abhishek
Pundir, Advs.

versus

SHRI ROOPAK N. KOTHARI & ANR Respondents
Through Mr.Vijay Sondhi, Adv. with
Mr.Faisal Sherwani & Ms.Nayamat
Sistani, Advs.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **30.03.2016**

The abovementioned three petitions have been filed by the petitioner; O.M.P. No.1256/2014 and O.M.P. (I) (COMM.) No.61/2016 are under Section 9 of the Arbitration and Conciliation Act, 1996, whereas Arb. P. No.660/2015 is filed under Section 11 of the Act for appointment of an Arbitrator. In O.M.P. No.1256/2014, by order dated 16th October, 2014, interim order was passed restraining both the parties from creating any third party interest in the immovable properties as well as movable properties of the partnership firm. When the matters are taken up today, with the consent of the parties, all the petitions are disposed of on the following terms and conditions:-

- (i) Hon'ble Mr. Justice Devinder Gupta, Former Chief Justice, Andhra Pradesh High Court (Mobile No.9818065456) is appointed as sole Arbitrator to adjudicate the disputes arising out of the agreement in question between the parties as mentioned in the present petitions. The parties are also allowed to file their respective claims and counter-claims as well as additional documents, if any, 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 Arbitrator shall also file an affidavit of "no conflict of interest". The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator's Fees) Rules. The parties to appear before the Arbitrator on 19th April, 2016 at 4.00 p.m. for directions.

- (ii) Both the Section 9 petitions will be treated as petition under Section 17 of the Act by the Arbitrator. Pleadings of both the matters will be filed by the petitioner before the Arbitrator. Liberty is granted to the petitioner to file the rejoinder in the petition being O.M.P. (I) (COMM.) No.61/2016.
- (iii) As agreed, the interim order as passed on 16th October, 2014 in O.M.P. No.1256/2014 shall continue, till the time it is vacated/modified by the learned Arbitrator.

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.

MARCH 30, 2016/ka