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

+ **CS(OS) 3454/2015**

**DARSHAN SINGH & ANR**

..... Plaintiff

Through: Dr. Sarbjit Sharma, Priamvada and  
Sukirati Kakkar, Advocates

versus

**DELHI DEVELOPMENT AUTHORITY & ORS**

..... Defendant

Through: Mr. Sanjay Abbot for D-2&3

**CORAM:  
HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**  
**24.05.2016**

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**I.A. No.6610/2016**

Issue notice. Learned counsel for the plaintiff accepts notice. Learned counsel for the plaintiff submits that the plaintiff has itself moved an application under Section 11 of the Arbitration and Conciliation Act, 1996 (the Act) for appointment of an arbitrator. Thus, the existence of arbitration agreement between the parties and the arbitrability of the disputes raised in the suit is not in question.

Learned counsels, on instructions, state that the Court may proceed to appoint the arbitrator. Accordingly, the application is allowed. I appoint, Mr. Justice M.L. Mehta, a retired judge of this Court to act as

the sole arbitrator to adjudicate the claims and counter claims of the parties arising out of the two agreements dated 20.01.2010 and 08.10.2010. The fee of the learned arbitrator shall be payable in terms of 4<sup>th</sup> Schedule to the Act, as amended.

The parties shall appear before the learned arbitrator on 06.07.2016 at 4:00 p.m. On the said date, the plaintiff shall file its statement of claim along with documents before the learned arbitrator.

In respect of any other reliefs that the plaintiff may have which are beyond the scope of the two agreements aforesaid, it shall be open to the plaintiff to initiate appropriate proceedings.

The interim order passed in the proceedings shall continue to operate until varied by the learned arbitrator.

The suit and the application stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**MAY 24, 2016**

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