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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 22/2017

CASTANEA REAL ESTATE PVT. LTD

..... Petitioner

Through: Ms. Kanika Agnihotri with Mr. Srinivas
Vijaykumar, Advocates.

versus

SURESH KUMAR KHERA & ANR

..... Respondents

Through: Mr. Tanmaya Mehta and Mr. Sanjay
Abhot and, Advocates for the Applicants in IA No.
1358/2017.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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01.02.2017

IA No. 1358/2017 (for direction)

1. This is an application filed by Respondents under Sections 11 of the Arbitration and Conciliation Act, 1996 ('Act') seeking reference of the disputes to the arbitration.
2. Mr. Tanmaya Mehta, learned counsel appearing for the Applicants/ Respondents explains that this is only to avoid any wastage of time since both parties are willing to refer their disputes to arbitration. Ms. Kanika Agnihotri, learned counsel for the Petitioner has no objection to a Sole Arbitrator being appointed.

3. With the consent of learned counsel for both the parties, this Court, appoints Mr. Justice M.L. Mehta, a former Judge of this Court (Mobile No. 9910384620) as a sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The learned Arbitrator will fix his own terms and fees and communicate them to the parties. The learned Arbitrator will ensure that the requirements of the Arbitration and Conciliation Act, 1996 as amended with effect from 23rd October, 2015 are complied with.

4. The parties are directed to appear before the learned Arbitrator on 1st March, 2017 at 4:00 pm or such changed time and/or date that the learned Arbitrator finds convenient which will be communicated to the parties at least ten days in advance. The venue for the first hearing will be arranged by the Petitioner and communicated to the learned Arbitrator and the Respondent at least one week prior to the date fixed. The expenses for the hearing shall be equally shared by the parties.

5. The application is disposed of.

OMP (I) (COMM) 22/2017

6. The interim order passed by this Court on 16th January, 2017 is directed to continue till such time the learned Arbitrator modifies, varies or vacates it in accordance with law in an application moved under Section 17 of the Arbitration and Conciliation Act, 1996 by either party. It will be open to the parties to seek further interim reliefs in the arbitral proceedings.

7. It is made clear that the Court has not expressed any opinion on the merits of the contentions of either party and all their respective contentions are left open to be urged before the learned Arbitrator in accordance with law.

8. The petition is disposed of in the above terms. Order be given *dasti*. A certified copy of this order be delivered to the learned Arbitrator forthwith.

9. The next date i.e., 30th March, 2017 stands cancelled.

S.MURALIDHAR, J

FEBRUARY 01, 2017

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