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

+ O.M.P. (T) (COMM.) 10/2017

SHAKUNTALAM SECURITIES PVT. LTD. Petitioner
Through: Mr Bharat Gupta, Advocate.

versus

QUTAB REALCON PVT. LTD. Respondent
Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.02.2017

IA No.1665/2017

1. Allowed, subject to all just exceptions.

O.M.P. (T) (COMM.) 10/2017

2. The petitioner has filed the present petition under Sections 14 & 15 of the Arbitration and Conciliation Act, 1996 (hereafter the 'Act'), *inter alia*, praying that an Arbitrator be appointed in terms of the provisions of the Arbitration and Conciliation Act, 1996. The present petition has been filed as the arbitration clause in question provides that the Managing Director of the petitioner would be appointed as an Arbitrator. In view of Section 12(5) of the Act as introduced by the Arbitration and Conciliation (Amendment) Act, 2015, the same is not permissible. The petitioner, accordingly, prays that an Arbitrator be appointed.

3. It is seen that the Managing Director of the petitioner has not been appointed as the arbitrator and there is no Arbitrator who is currently proceeding with the reference; therefore, the question of termination of

mandate of the Arbitrator under Section 14 does not arise. Essentially, the petitioner seeks relief under Section 11 of the Act and not termination of the mandate of an arbitrator.

4. Thus, the petition in its present form is not maintainable. Accordingly, the petition is dismissed with liberty to the petitioner to file an appropriate application in accordance with law.

VIBHU BAKHRU, J

FEBRUARY 08, 2017
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