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

+ O.M.P.(I) (COMM.) 77/2017 & IA No.3612/2017

DCDC HEALTH SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr Tushar John, Mr Abhinav
Hansaria and Mr Archit Virmani,
Advocates.

versus

INDIA KIDNEY HOSPITAL AND DIALYSIS
CENTER

..... Respondent

Through: Mr P. Nagesh, Mr Sanskar Agarwal,
Ms Shuchi Sejwar, Mr Dhruv Gupta,
Advocates alongwith Dr Raghuvendra
Singh, respondent in person.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
28.04.2017

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1. The learned counsel appearing for the petitioner has handed over a statement of costs incurred on 16.02.2017 in relation to the visit of the Local Commissioner as well as on 17.04.2014 for recovering the equipment, which ought to have been handed over in the first instance. The said expenses aggregate ₹2,70,100/-. The same are reasonable and the petitioner shall adjust the same from the amount deposited by petitioner with the registry of this court.

2. It is further directed that the amount deposited by the respondent with the Registry of this Court be released to the petitioner in entirety.

3. The petitioner would be at liberty to raise further claims before the arbitral tribunal.
4. The learned counsel for the parties states on instructions that the parties are agreeable to an independent arbitrator being appointed by this Court. Accordingly, with the consent of the parties, Mr Sudhir Nandrajog, Senior Advocate (Mobile No.9810121790) is appointed as the arbitrator to adjudicate the disputes between the parties. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. The arbitrator shall fix the fees in consultation with the learned counsel for the parties.
5. Needles to mention that nothing stated in the orders passed by this Court should be construed as an expression of opinion on the merits of the disputes between the parties.
6. The petition and the pending applications are disposed of.

IA No.3779/2017

7. The respondent, Dr Raghuvendra Singh is present and has tendered his unconditional apology. The same is accepted by the Court and therefore the Court is refraining from passing any order in this application.
8. The application is disposed of.

VIBHU BAKHRU, J

APRIL 28, 2017
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