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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 309/2016

ARUN PANDEY & ANR.

..... Petitioners

Through: Mr.Suchinto Chatterji, Mr. Amitesh
Kumar and Mr. Rahul, Advocates.

versus

VIKAS ARORA & ANR.

..... Respondents

Through: Mr. Sushil Bajaj with Ms. Aasifa Sheikh,
Advocates for R-1 and R-2.

WITH

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O.M.P. (I) (COMM.) 476/2016

ARUN PANDEY & ANR.

..... Petitioners

Through: Mr.Suchinto Chatterji, Mr. Amitesh
Kumar and Mr. Rahul, Advocates.

versus

VIKAS ARORA & ORS.

..... Respondents

Through: Mr. Sushil Bajaj with Ms. Aasifa Sheikh,
Advocates for R-1 and R-2.
Mr. Daves Bhatia, Advocate for R-3.

AND

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O.M.P. (I) (COMM.) 50/2017

DENIZ ARORA & ANR.

..... Petitioners

Through: Mr. Sushil Bajaj with Ms. Aasifa Sheikh,
Advocates.

versus

RHITI MSD ALAMODE PVT. LTD. & ORS. Respondents
Through: Mr.Suchinto Chatterji, Mr. Amitesh
Kumar and Mr. Rahul, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER
06.02.2017

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1. The parties are agreeable that the Court may appoint a sole Arbitrator for adjudication of the disputes between the parties including their claims and counter-claims.
2. The Court, accordingly, proposes that Mr. Justice Manmohan Sarin, a former Chief Justice Jammu & Kashmir High Court (Mobile No. 9818000210) be appointed as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance, the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.
3. Subject to compliance with the above direction, Mr. Justice Sarin will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator

will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

4. The interim order passed by this Court in O.M.P. (I) (Comm.) 476/2016 will continue till such time the proposed Arbitrator varies it or modifies it in accordance with law. Further, the interim reliefs sought by the Petitioner in OMP (I) (Comm.) 50 of 2017 can be urged before the proposed Arbitrator by way of an application under Section 17 of the Act. It is made clear that it will be open to both parties to rely on the pleadings in both OMP (I) (Comm.) 50 of 2017 and 476 of 2016 in support of their prayers in their applications under Section 17 of the Act.

5. The petitions are disposed of in the above terms. A copy of this order be communicated to the proposed Arbitrator as well as Additional Coordinator, DAC forthwith. Order *dasti*.

S. MURALIDHAR, J

FEBRUARY 06, 2017

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