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

+ **ARB.P. 255/2017**

VIPAN KHANNA & ANR.

..... Petitioners

Through Mr. Sameer Chandra, Mr. Wiqar
Ahmed and Ms. Alka Sharma,
Advocates

versus

SHRUTI PRAKASH PANDE & ANR.

..... Respondents

Through Mr. P D Gupta and
Mr. Atul Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.05.2017**

1 The petitioners have filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the Partnership Deed dated 01.07.2011.

2 The said Partnership Deed includes an arbitration clause which is set out below:-

“21. That in case of any dispute the partners the matter shall be referred to arbitration in accordance with the provision of the Indian Arbitration Act, 1940 and the decision given there-under shall be final and binding on both partners. The arbitrator will only be Mr. Ajay Sharma S/o Late Sh. K.P. Sharma, R/o 5C 162, New Rohtak Road, New Deihl-110005.”

3 The learned Senior Counsel appearing for the respondents does not dispute existence of the Partnership Deed or the arbitration clause; he, however, submits that there are no real issues between the parties and the matter can be resolved amicably.

4 The learned counsel appearing for the petitioners submits that although there is a named arbitrator - who is brother-in-law of the respondent no.1 - but criminal proceedings against the said named arbitrator have been instituted and, therefore, no purpose would be served by appointing him as an arbitrator.

5 In the aforesaid circumstances, with the consent of the parties, Mr B.L. Garg, ADJ (Retired) (Mobile No. 9810827815) is appointed as a sole arbitrator to adjudicate the disputes between the parties. This is subject to the necessary disclosure being made under Section 12(1) of the Act and the arbitrator meeting the eligibility criteria under Section 12(5) of the Act. The fees of the arbitrator shall be fixed in consultation with the learned counsel for the parties.

6 In view of the submissions that the parties are willing to resolve the disputes amicably, it is directed that parties/representatives of the parties shall appear before the Delhi High Court Mediation and Conciliation Centre (DHCMCC) on 17.07.2017 at 4:00 PM. The parties shall endeavour to resolve the disputes within a reasonable time. As such, the arbitrator shall not enter reference prior to four months from today.

7 In the event, the parties are able to resolve the disputes they shall

communicate the same to the arbitrator who shall not be required to take any further steps for adjudication of the disputes. However, if the parties are unable to resolve the disputes within the specified period, they shall appear before the arbitrator, as directed.

8 The petition is disposed of with the aforesaid observations.

MAY 12, 2017

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VIBHU BAKHRU, J