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

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+ **O.M.P.(I) (COMM.) 313/2016**

SHASYA MANGLAM REAL PROMOTERS (I) PVT.
LTD.

..... Petitioner

Through: Mr Sudhir Nandrajog, Sr. Adv. with Mr
Sidharth Jain and Mr Amit Kumar, Advs.

versus

UMESH CHAND VERMA & OTHERS

..... Respondents

Through: Mr B.B. Sawhney, Sr. Adv. with Mr Amit
Seth and Mr Aditya Shandilya, Advs.

CORAM: JUSTICE S.MURALIDHAR

ORDER

07.02.2017

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1. Both the parties have agreed that their disputes can be referred to a Sole Arbitrator to be appointed by this Court and for the arbitration to take place under the aegis of Delhi International Arbitration Centre ('DAC'). This is without prejudice to the respective contentions of the parties on merits. It is also agreed that the Arbitrator appointed by this Court will continue from the stage where the arbitration proceedings presently stand. The records of the arbitration held thus far will be collected by the Petitioner and be deposited with the DAC not later than 4 weeks from today.

2. This Court, accordingly, proposes Mr. J.R. Aryan, a former Additional District Judge (011-23782250) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The fees of the learned

Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules. 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. It is also agreed that the entire cost of arbitration will be paid by the Petitioner and shall be subject to the Award that will be passed on that aspect.

4. It is further agreed that the proposed Arbitrator in the first instance will decide the question regarding existence of an arbitration agreement between the parties.

5. The documents tendered before this Court in sealed cover will be delivered (in the sealed cover) by the Registry to the Additional Coordinator, DAC. They will be kept in the custody of the DAC and it will be subject to the orders passed by the proposed Arbitrator.

6. The interim order passed by this Court on 23rd April, 2014 is directed to continue till such time the learned Arbitrator varies or modifies or vacates it, if so warranted, in accordance with law in an application that may be filed by either party under Section 17 of the Act.

7. The petition is disposed of in the above terms. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

FEBRUARY 07, 2017/rd
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