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

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Judgment delivered on: 11.07.2017

**+ ARB. P.336/2017**

**MUNNI AGGARWAL & ANR**

..... Petitioners

versus

**BHASIN INFOTECH & INFRASTRUCTURE  
PRIVATE LIMITED**

..... Respondent

**Advocates who appeared in this case:**

For the Petitioners :

Mr Saurabh Upadhyay, Mr Prashant Shekhar and Mr Vipul  
Sharma

For the Respondent :

Counsel for the respondent

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**11.07.2017**

**SANJEEV SACHDEVA, J. (ORAL)**

1. The petitioners have filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter to as 'the Act') praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the provisional allotment letter dated 27.05.2008 allotting commercial space No.4-D, on the first floor in the Shopping Mall known as

Grand Venezia situated at Plot No.SH-3, Site-IV, Industrial Area,  
Surajpur, Greater Noida, District Gautam Budh Nagar, U.P.

2. The said provisional allotment letter includes an Arbitration  
Clause, which is set out below:-

*“44(b) All or any disputes arising out of or touching upon or in relation to the terms of the Provisional Allotment Letter including the interpretation and validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion failing which the same shall be settled through arbitration. The arbitration proceedings shall be governed by the Arbitration & Conciliation Act, 1996 or any statutory amendments/modifications thereof for the time being in force. The arbitrator shall be appointed by the Company. The arbitration proceedings shall be held at an appropriate location in Delhi/ New Delhi. The Courts at Delhi alone shall have jurisdiction in all matters arising out of/touching and/or in connection with this provisional allotment.”*

3. Learned counsel for the respondent submits that he has no  
objection to the appointment of an independent Sole Arbitrator.

4. In view of the above, the Arbitrator is required to be appointed  
to settle the disputes between the parties.

5. Accordingly, Mr S.M.Chopra, ADJ (Retired), Mobile

No.9213230349, is appointed as the Sole Arbitrator to adjudicate the disputes between the parties 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.

6. The Arbitrator shall adjudicate the claims of the petitioner and the counter claims, if any of the respondents.

7. The Arbitrator shall fix his fee in consultation with learned counsel for the parties.

8. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.

9. The petition is accordingly disposed of.

10. Order *Dasti* under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**JULY 11, 2017**

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