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

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Judgment delivered on: 13.10.2017

+ ARB. P.320/2017

BIJENDERI DEVI & ANOTHER

..... Petitioners

versus

ADEL LANDMARKS LIMITED

.....Respondent

Advocates who appeared in this case:

For the Petitioner

: Mr Arvind Chaudhary and Ms Asha Chaudhary

For the Respondent

: Mr Manoj Kumar Singh, Mr Rahul Pandey and Mr
Gyanendra Kumar.

Mr Abhishek Sarkar, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
13.10.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners have filed this petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator.

2. The petitioners had booked one residential plot, which was in a residential Complex developed by the respondent.

3. As per the petitioners, since the respondent was not developing the said plot, disputes arose and petitioners have invoked arbitration.

4. The parties had entered into Buyers Agreement dated 04.03.2013. The Arbitration Clause, as agreed to by the parties, is as under:-

“That all disputes arising out of this Agreement between the parties shall be adjudicated by Sole Arbitrator in accordance with the Arbitration and Conciliation Act, 1996. The Managing Director of the Developer shall appoint the Sole Arbitrator whose decision shall be final and binding. The venue of the arbitration shall be Delhi.”

5. Learned counsel for the respondent submits that he has no objection to the appointment of a Sole Independent Arbitrator.

6. Accordingly, with the consent of parties, Ms. Shalini Kapoor Advocate (Mobile # 9810160155) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act of not being ineligible under Section 12(5) of the Act.

7. The fee of the Arbitrator shall be in terms of the Fourth Schedule of the Act.

8. The Arbitrator shall adjudicate the claims of the petitioner and the counter claims, if any of the respondent.

9. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.
10. The petition is accordingly disposed of.
11. Order *Dasti* under signatures of the Court Master.

OCTOBER 13, 2017/§D'

SANJEEV SACHDEVA, J

