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

+ **ARB.P. 370/2017**

SURINDER KUMAR WADHWA

..... Petitioner

Through Mr.K.S.Singhal and Ms.Vani Singhal,
Advs.

versus

SHRI KARAN GUPTA

..... Respondent

Through Mr.Ashutosh Gupta and Mr.Suraj
Narain Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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12.10.2017

1. This petition is filed under section 11(5) & (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator. The case of the petitioner is that an Agreement to Sell was executed on 30.10.2015 for purchase of property bearing No. Agricultural Land measuring 9 bighas 12 biswas, bearing Mustatil No.8, Killa Nos. 12 (4-16), 13 (4-16), 11/2(2-14) with boundary wall, Tube Well and structure thereon situated in revenue estae of village Jonapur, Tehsil Mehrauli, New Delhi for a total consideration of Rs.14 crores. Disputes having arisen between the parties the petitioner is stated to have sent a notice dated 14.3.2017 seeking invocation of the arbitration clause and seeking appointment of an independent Arbitrator.

2. As per the petitioner as per the arbitration clause in the agreement in

case of any disputes, the same shall be referred to the Sole Arbitrator Shri Vineet Malhotra, Advocate.

3. Learned counsel for the respondent has entered appearance. He submits that the Agreement to Sell is a forged document and does not bear the signatures of the respondent. However, counsel for the respondent submits that without prejudice to the rights and contentions including the contention that the agreement is a forged document he has no objection in case a retired High Court Judge is appointed as a Sole Arbitrator to adjudicate the disputes.

4. Learned counsel for the petitioner refutes this allegation made by the respondent.

5. Accordingly, Justice Manmohan Sarin (Retd.) (Mobile No.9818000210) is appointed as the Sole Arbitrator to adjudicate the dispute between the parties. All the issues are left open including the plea of the respondent about the agreement being a forged document. The learned Arbitrator may fix his fee in consultation with the learned counsel for the parties.

6. Petition stands disposed of.

JAYANT NATH, J

OCTOBER 12, 2017

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