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

+ O.M.P. (T) (COMM.) 45/2017

SAPSHI ELECTRONICS PVT.LTD. Petitioner

Through: Mr Manoj K. Singh, Advocate.

versus

PUNEET SOLANKI & ORS. Respondents

Through: Mr Rohit jain, Advocate for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.05.2017

IA No.6554/2017

1. Allowed, subject to all just exceptions.

O.M.P. (T) (COMM.) 45/2017 & IA Nos.6553/2017

2. This is a petition filed under Section 14 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act').

3. Mr Manoj K. Singh the learned counsel for the petitioner submits that there is no arbitration agreement between the parties. He also submits that the petitioner has filed an application under Section 16 of the Act before the concerned arbitrator, which is pending consideration. He further states that the arbitrator has failed to make the necessary disclosure as required under Section 12 of the Act.

4. Mr Singh also drew the attention of this Court to an order dated

21.03.2017 purportedly issued by the arbitrator under Section 17 of the Act and pointed out that the notice of entering upon reference was issued subsequently on 23.03.2017.

5. It is apparent that the petitioner has serious disputes, however it is doubtful whether a petition under section 14 of the Act would be an appropriate remedy. At this stage, the learned counsel for the petitioner seeks to withdraw the present petition reserving its right to agitate the aforesaid matter at an appropriate stage in an appropriate forum, if necessary.

6. In view of the aforesaid, the present petition is dismissed as withdrawn. However, it is necessary to observe that it is mandatory for an arbitrator to make a disclosure under Section 12 of the Act prior to his appointment notwithstanding whether any application to the said effect has been made by any of the parties or not. The petitioner would be at liberty to demand such discourse and needless to state the arbitrator will make the disclosure in accordance with the Act.

7. The petition is dismissed as withdrawn with the aforesaid observation.

VIBHU BAKHRU, J

MAY 26, 2017
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