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

+ **ARB.P. 400/2017**

WG CONSTRUCTIONS

..... Petitioner

Through: Mr Jasmeet Singh, Advocate.

versus

DENTAL AND MEDICAL EDUCATIONAL

TRUST

..... Respondent

Through: Mr Mayank Wadhwa and Ms Kritika Nagpal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.04.2018

IA No.4662/2018

1. For the reasons stated in the application, the delay in filing the application is condoned. The application is disposed of.

IA No.4661/2018

2. This is an application filed by the petitioner, *inter alia*, praying as under:-

“In the facts and circumstances as stated above it is most respectfully prayed that this Hon’ble Court may be pleased to clarify and modify the order dated 22/09/2017 passed by this Hon’ble Court in Arbitration Petition No.400/2017 titled as “WG Constructions Vs. Dental and Medical Educational Trust” to the extent that the arbitration proceedings including the fees of the arbitrator be carried out as per the rules and regulations of The Delhi International Arbitration Centre (DAC) and under the aegis of The Delhi International Arbitration Centre (DAC) and the proceedings between “WG Constructions Vs. Dental and Medical Educational Trust” and “Dental and Medical Educational Trust Vs. Neev Architects Urban Designers Atelier” be consolidated.”

3. Mr Jasmeet Singh, the learned counsel appearing for the non applicant (WG Constructions) states that he has no objection if the arbitration is directed to be conducted under the aegis of Delhi International Arbitration Centre (DIAC). In view of the consensus between the parties in this regard, it is directed that the arbitration be conducted under the aegis of DIAC and in accordance with its Rules. However, the schedule of fee payable to the arbitrator shall not apply as the arbitrator has already entered upon the reference. Mr Singh also states that a hearing is scheduled to be held tomorrow before the Arbitrator and the venue for the proceedings has been fixed. In view of the above, it is clarified that the present order will not affect the arbitration proceedings to be held tomorrow and shall be effective with respect to hearings to be held subsequently.

4. Insofar as the applicant's prayer for consolidation of arbitral proceedings is concerned, it is pointed out that the Arbitral Tribunal in the case of "***Dental and Medical Educational Trust v. Neev Architects Urban Designers Atelier***" has not been constituted as yet, therefore, the question of consolidating arbitration proceedings at this stage does not arise. This prayer is also contested by the petitioner. Moreover, the above petition has been disposed of and no such plea was urged by the respondent at the material time. This Court does not consider it apposite to consider this plea after the arbitrator has entered upon reference.

5. The prayer is, accordingly, rejected. The application is disposed of.

VIBHU BAKHRU, J

APRIL 12, 2018/MK