

\$~29 to 31

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

+ **O.M.P. 37/2016**

GAURAV MALIK & ORS.

..... Petitioners

Through: Mr Arun Kumar Varma, Senior Advocate with Mr Abhay Raj Varma, Mr Ashish Joshi, Ms Priyanka Ghosh and Mr Himanshu Pal, Advocates.

versus

HDB FINANCIAL SERVICES LTD & ORS. Respondents

Through: Mr Rishab Raj Jain, Advocate for R-1 alongwith Mr Yagyash Kumar, Officer of the R-1.
Mr Kanwal Chaudhary, Advocate for R-2, 3 & 5.

WITH

+ **O.M.P. (COMM) 447/2016**

SAVITA KAKKAR

..... Petitioner

Through: Mr Sudeep Sudan and Ms Divya Bhalla, Advocates.

versus

HDB FINANCIAL SERVICES LIMITED Respondent

Through: Mr Rishab Raj Jain, Advocate for R-1 alongwith Mr Yagyash Kumar, Officer of the R-1.

AND

+ **O.M.P. (COMM) 452/2016**

MUKESH KAKKAR

..... Petitioner

Through: Mr Sudeep Sudan and Ms Divya

Bhalla, Advocates.

versus

HDB FINANCIAL SERVICES LIMITED
& ORS.

..... Respondents

Through: Mr Rishab Raj Jain, Advocate for R-1
alongwith Mr Yagyash Kumar,
Officer of the R-1.
Mr Kanwal Chaudhary, Advocate for
R-2, 4 & 6.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% 26.04.2017

IA No.2208/2017 in O.M.P. (COMM) 452/2016

1. Allowed, subject to all just exceptions.

O.M.P. 37/2016 & IA No.13154/2016
O.M.P. (COMM) 447/2016 & IA No.12985/2016
O.M.P. (COMM) 452/2016 & IA No.13255/2016

2. After some arguments, the learned counsel for the parties agree that the arbitral award impugned in the present petitions be set aside and an independent arbitrator be appointed to adjudicate the subject disputes between the parties. Accordingly, with the consent of the parties, Justice R.V Easwar (Retd.) 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(1) of the Act and not being ineligible under Section 12(5) of the Act.

3. The arbitration shall be conducted under the aegis of Delhi International and Arbitration Centre (DIAC) and in accordance with its

Rules.

4. The authorized representatives of the parties will approach Co-ordinator, DIAC on 15.05.2017 at 11:00 AM.

5. It is clarified that all contentions of the parties are open and nothing contained in the order passed in this proceeding shall be construed as an expression of opinion on any aspect of the controversy between the parties. Needless to mention that all contentions advanced by the parties shall be considered in accordance with law.

6. The petitions and all the pending applications are disposed of.

VIBHU BAKHRU, J

APRIL 26, 2017
MK