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

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Judgment delivered on: 28.08.2017

+ ARB.P. 408/2017

KAVITA KAPOOR

..... Petitioner

versus

NITISHREE INFRASTRUCTURE PVT. LTD.

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Apurva Upmanyu with Mr. Fahad Imtiaz, Advocates.

For the Respondent : Ms. Nivedita Jain, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.08.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner by this petition under Section 11 of the Arbitration & Conciliation Act, 1996(hereinafter referred to as 'the Act'), seeks appointment of a sole arbitrator to determine and adjudicate the disputes and claims between the parties.

2. The petitioner had booked a residential plot with the respondent Company. As per the petitioner, there were delays in execution of the project and handing over of possession of the plot booked by the

petitioner, leading to disputes between the parties. The petitioner has, thus, invoked the arbitration clause and filed this petition.

3. The relevant clause, as contained in the terms and conditions of the Allotment Rules, is as under:-

“18. That all disputes of disagreements arising out of or in connection with or in relation to this allotment which cannot be amicably settled shall be finally decided as per Arbitration and Conciliation Act, 1996.

19. Delhi Courts alone shall have jurisdiction in all matters arising out/touching and/or concerning this transaction.”

4. Learned counsel for the respondent submits that she has no objection to appointment of an independent Arbitrator.

5. Accordingly, Mr. Kuldip Singh, Former Additional District and Sessions Judge, (Mobile No.09868237722) 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.

6. The Arbitrator shall adjudicate the claims of the petitioner and counter-claims, if any, of the respondent.
7. The fee of the Arbitrator shall be as per the Fee Schedule of the Delhi International Arbitration Centre.
8. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.
9. The petition is, accordingly, disposed of.
10. Order *Dasti* under signatures of the Court Master.

AUGUST 28, 2017
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SANJEEV SACHDEVA, J