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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 693/2016

SUDHA SHARMA & ANR

..... Petitioner

Through: Mr Gargee Dixit, Advocate

versus

FIITJEE LTD.

..... Respondent

Through: Mr Mukesh M. Goel, Advocate

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.03.2017

1. The copy of reply handed over by learned counsel for the Respondent is taken on record.
2. The appointment by the Respondent of one Mr. Naresh Khanna, Advocate as an arbitrator was much after the issuance of notice by this Court in the present arbitration petition. In terms of the judgment in, *Datar Switchgears Ltd. v. Tata Finance Ltd. (2000) 8 SCC 151* the said appointment cannot be legally sustained and is hereby set aside.
3. The existence of an arbitration clause and its invocation by the Petitioner is not in dispute. The fact remains that till notice was issued in the present petition, no attempt was made by the Respondent to appoint an arbitrator.
4. The Court, accordingly, directs that a Sole Arbitrator be appointed to

adjudicate the disputes between the parties including their claims and counter-claim. The arbitration will take place under the aegis of the Delhi International Arbitration Centre ('DIAC').

5. The parties will appear before the DIAC on 18th April, 2017 at 11am for further steps in this regard.

6. A copy of this order be sent to the Additional Coordinator, DIAC, forthwith. The petition is disposed of in the above terms.

S.MURALIDHAR, J

MARCH 20, 2017

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