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

+ ARB.P. 499/2017

SUSHANT KUMAR DAS Petitioner
Through Mr.Dushyant Tiwari, Advocate

versus

KARUNAKAR SAHOO Respondent
Through Mr.Ramesh, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **15.09.2017**

1. This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as 'the Act'*) seeking appointment of an arbitrator to adjudicate the dispute between the parties arising out of the agreement dated 26.10.2010.
2. Some of the relevant facts are that on 26.10.2010 the parties are entered into a Partnership Deed. It is the case of the petitioner that for the purpose of purchasing of plot of land under U.P. State Industrial Development Corporation Limited Scheme (*in short 'the UPSIDC Scheme'*), an application was submitted by both the parties and a sum of Rs.1,82,000/- was deposited by the petitioner. The plot is said to have been allotted in the name of the Partnership Firm, i.e. M/s Signor Medical Devices in Tronica City, Delhi Saharanpur Road, Ghaziabad, U.P. on 07.03.2011. It is further stated that on 05.03.2012, the parties sought to amend the Partnership Deed dated 26.10.2010 and entered into a new Partnership Deed.

3. Disputes having arisen between the parties, the petitioner has invoked the arbitration clause. On 13.06.2017, the petitioner sent a letter to the respondent requesting for appointment of an arbitrator. The respondent has replied to the same on 05.07.2017.
4. The learned counsel for the respondent has submitted that there is no dispute in this matter inasmuch as the plot in question does not belong to the Partnership Firm. He submits that there is no averment to this effect in the present petition.
5. The learned counsel for the petitioner has refuted this contention and submits that the plot of land belonged to the Partnership Firm and an averment is made in the present petition including para 3 onwards.
6. Under Section 11(6A) of the Act, the High Court while considering any application under section 11(6) confine, to the examination of the existence of an arbitration agreement. The issues which are raised by the learned counsel for the respondent are the issues to be adjudicated upon by the learned arbitrator.
7. Accordingly, I appoint Mr.Jasmeet Singh, Advocate (Mobile No.9810064790) as the sole arbitrator to adjudicate the dispute between the parties. The learned arbitrator shall fix his fees with the consultation of the learned counsel for the parties. The learned arbitrator will comply with the provisions of disclosure of section 12 of the Act. A copy of this order be sent to the learned arbitrator.
8. Petition stands disposed of as above.

JAYANT NATH, J.

SEPTEMBER 15, 2017/v