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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 43/2017

SIMPLEX PROJECT LTD

..... Petitioner

Through: Mr. S.D. Singh with Mr. Jitender Singh
and Mr. Puneet Kumar Jain, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Ms. Kanika Agnihotri, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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13.02.2017

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('Act') seeking the appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the Agreement dated 14th December, 2007.

2. With the consent of learned counsel for both the parties, this Court proposes Mr. S.M. Aggarwal, Additional District Judge (retired) (Mobile No. 9891983608) as sole Arbitrator to adjudicate the disputes between the parties including claims and counter-claims. In the first instance, the proposed Arbitrator will make a disclosure in terms of Section 11 (8) read with Section 12 (1) of the Act and, thereafter, enter upon reference. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be

open to the parties to apply to this Court for directions. The proposed Arbitrator shall fix his own terms and communicate them to the parties.

3. The parties are directed to appear before the learned Arbitrator on 15th March 2017 at 3.30 pm or such changed time and/or date that the learned Arbitrator finds convenient which will be communicated to the parties at least ten days in advance. The venue for the first hearing will be arranged by the Petitioner and communicated to the learned Arbitrator and the Respondent at least one week prior to the date fixed. The expenses for the hearing shall be equally shared by the parties.

4. All the contentions of the parties *qua* the said claims and counter-claims are left open to be urged before the learned Arbitrator.

5. The petition is disposed of in the above terms. A certified copy of this order be delivered to the learned Arbitrator forthwith. Order be given *dasti*.

S.MURALIDHAR, J

FEBRUARY 13, 2017
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