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

+ ARB.P. 577/2017

VIJAY SARDANA Petitioner
Through Mr.Amit Singh, Adv.

versus

M/S H.R. BUILDERS Respondent
Through Mr Avinash Trivedi, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.10.2017**

1. This petition is filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking appointment of an arbitrator.
2. The case of the petitioner is that the petitioner entered into two separate contracts with the respondent on 25.07.2009 and 08.10.2009 respectively. Disputes having arisen between the parties, the petitioner filed a suit for recovery before the District Judge. An application was filed by the responder under Section 8 of the Act. Accordingly, the petitioner withdrew the said suit in view of the application filed under Section 8 of the Act by the respondent. Thereafter, the petitioner on 19.05.2017 and 14.07.2017 invoked the arbitration clause. It is admitted that the petitioner received a letter dated 14.07.2017 from the respondent appointing Former Chief Engineer of DSIIDC as the sole Arbitrator.

3. After some arguments, it is agreed by the learned counsel for the parties that the respondent who is the appointing authority under the agreements will appoint a retired District Judge as the sole arbitrator instead of the presently appointed arbitrator. Accordingly, the mandate of the present Arbitrator stands terminated. The respondent will takes steps to appoint an arbitrator as agreed upon within three weeks from today.
4. Learned counsel for the petitioner also agrees that he will be filing two separate claim petitions for the two separate agreements before the learned arbitrator so appointed. All the issues and objections of the parties are left open for adjudication of the learned Arbitrator.
5. The petition stands disposed of.

JAYANT NATH, J

OCTOBER 13, 2017
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