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

+ ARB.P. 470/2018

ABHIMANYU REDHU

..... Petitioner

Through: MsAastha Dhawan and Mr.Sidharth
Chopra, Advs.

versus

TODAY HOMES AND INFRASTRUCTURE PRIVATE LIMITED

..... Respondent

Through: Mr.Jitender Ratta, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.10.2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement to Sell dated 23.05.2009 executed between the parties. The said Agreement contains an Arbitration Agreement in form of Clause 38 thereof.
2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide notice dated 09.03.2018. Having failed to receive any response from the respondent, the present petition was filed.
3. Counsel for the respondent does not dispute the existence of the Arbitration Agreement or the due invocation thereof. He submits that the main dispute between the parties is one of handing over of the possession of the flat to the petitioner, which should be handed over to the petitioner

within around 15 days. On the other hand, counsel for the petitioner submits that this would still not completely settle the claims of the petitioner and therefore, seeks for the appointment of an Arbitrator.

4. In view of the above, I see no impediment in appointing an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement to Sell.

5. With the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) where they shall appear on 13th November, 2018. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement to Sell. The Arbitration and fee shall be governed by the DIAC Rules.

6. The petition is allowed in the above terms, with no order as to cost.

7. It is made clear that the respondent shall be entitled to raise any counter claims in these proceedings, if so advised. It is further made clear that the appointment of an Arbitrator is not a valid excuse to the respondent for not handing the possession of the flat to the petitioner.

Dasti.

NAVIN CHAWLA, J

OCTOBER 23, 2018/Arya