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

+ **O.M.P.(I) (COMM.) 304/2018**

M/S MALHAN CONSTRUCTIONS PVT LTD Petitioner
Through: Mr. Jitender Vohra, Adv

versus

KARAN RAJ SETHI Respondent
Through: Mr. Deepak Dhingra with Mr.
Sameer Sidhar, Advs

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **31.07.2018**

Caveat No.689/2018

1. Since, Mr. Deepak Dhingra, advocate, has entered appearance on behalf of the caveator, the caveat stands discharged.

IA No.10023/2018(exemption)

2. Allowed, subject to just exceptions

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3. Issue notice.

4. Mr. Deepak Dhingra, who, appears on advance notice accepts notice on behalf of the respondent. He states that he does not wish to file a reply in view of the directions that I intend to pass in the matter. Furthermore, counsel for the respondent states that he is agreeable to the appointment of an Arbitrator by this Court.

5. Likewise, counsel for the petitioner states that the petitioner is agreeable to the appointment of an Arbitrator by this Court.

Accordingly, the captioned petition is disposed of with the following directions:-

- a) Ms. Indermeet Kaur (Retired Judge, Delhi High Court) is appointed as an Arbitrator in the matter.
 - b) Furthermore, since counsel for the parties are agreeable that the arbitration proceedings will be governed by the rules and fee schedule prescribed by the Delhi International Arbitration Centre (DIAC), it is ordered accordingly.
 - c) Pending the disposal of the arbitration proceedings, the respondent is restrained from creating any third party interest in the villa which is shown as “builder’s allocation” in Annexure P-17 i.e. the site plan. Liberty is, however, granted to the respondent to seek variation of this order by moving an appropriate application in that behalf.
 - d) The captioned application will be placed before the learned Arbitrator who will treat the same as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and thereafter pass an appropriate order upon giving opportunity to the respondent, if he files his response, and after hearing both sides.
 - e) The learned Arbitrator will have the liberty to either affirm or vacate or even modify the interim order passed today.
6. A copy of the order passed by this court shall be dispatched by the Registry to the DIAC as well as to the learned Arbitrator.

RAJIV SHAKDHER, J

JULY 31, 2018/ak