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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 518/2018**
GAURAV CHHABRA Petitioner
Through: Mr.Gaurav Gaur, Adv.

versus

SANTOSH KUMAR CHHABRA Respondent
Through: Mr.Praveen Suri, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **30.08.2018**

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 an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Partnership Deed dated 01.04.1993 executed between the parties. The Partnership Deed contains an Arbitration Agreement in form of Clause 16 thereof which is reproduced hereinbelow:-

“16. That all disputes and questions in connection with the partnership or this deed arising between the partners or between any one of them and the legal representative(s) of the other(s) or between their respective legal representatives and whether during or after the partnership shall be referred to the arbitration of two arbitrators one to be appointed by each party and in case of their disagreement to an umpire appointed by the said arbitrators or in case of their default by the parties.”

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide his notice dated 29.12.2017. Having received no

response, the present petition has been filed.

The learned counsel for the respondent submits that the respondent has issued a notice seeking dissolution of the Partnership Firm and that the disputes between the parties are in the nature of family disputes involving various other family businesses.

In my opinion, as the existence of the Arbitration Agreement in the Partnership Deed dated 01.04.1993 and due invocation thereof is not denied by the respondent, there is no impediment in the appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Partnership Deed.

The counsels for the parties submit that though the Arbitration Agreement requires an Arbitral Tribunal consisting of three Arbitrators, they would request for appointment of a Sole Arbitrator in order to curtail the expenses of the arbitration.

I appoint **Mr.Pradeep Chaddah**, Former District & Sessions Judge, Delhi (R/o 37/29, East Patel Nagar, New Delhi-110008, Mobile: 9910384665) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The parties shall be entitled to raise all their claims and Counter Claims before the Arbitrator so appointed, including one of dissolution of the Partnership. The Arbitrator shall give his disclosure statement to the parties in terms of Section 12 of the Act before proceeding with the reference.

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

NAVIN CHAWLA, J

AUGUST 30, 2018/rv