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

+ **ARB.P. 573/2018**

RAJESH SHARMA

..... Petitioner

Through: Mr.Vijay K. Gupta & Mr.Mehul
Gupta, Advs.

versus

FIITJEE LTD

..... Respondent

Through: Mr.Mohit Gupta, Ms.Alka Chojar &
Ms.Meenakshi Garg, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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04.09.2018

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 Service Agreement.

The petitioner had earlier filed a Civil Suit in response to which the respondent filed an application under Section 5 and 8 of the Act. The said application was allowed by the Court of Additional District Judge vide his order dated 28.04.2017 passed in CS No. 9085/2016 titled ***Mr. Rajesh Sharma vs. M/s FIITJEE Ltd.***

The petitioner challenged the said order before this Court by way of RFA no. 701/2017, however, the same was dismissed vide order dated 04.08.2017. The petitioner has thereafter filed the present petition seeking appointment of an Arbitrator.

The learned counsel for the respondent submits that though in his

submission the present petition is not maintainable, as certain disputes between the parties are pending adjudication before the Arbitrator appointed, he has no objection if the claims of the petitioner are also referred to the same Arbitrator. The same is agreeable to the learned counsel for the petitioner.

In view of the above, Mr. P.K. Saxena, Retired Additional District Judge, Delhi (Flat No. 261, Royal Residency, Plot No. 5, Sector- 9, Dwarka, New Delhi- 110077, Mobile: 9910384668) is appointed as an Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitrator is requested to give his disclosure in terms of Section 12 of the Act before proceeding with the reference, however, the fact that he is already adjudicating the disputes between the parties has been noticed by this Court while making this appointment. All contentions of the respondent shall remain open in such arbitration proceedings.

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

Dasti.

NAVIN CHAWLA, J

SEPTEMBER 04, 2018/rv