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

+ ARB.P. 658/2018

MANOJ KUMAR SAMDARIA

..... Petitioner

Through: Mr. Saurabh D. Karan Singh with
Ms. Kanika Jain and Mr. Prakhar
Singh, Advocates.

versus

FOURTH DIMENSION SOLUTIONS LIMITED

..... Respondent

Through: Mr. Sidhartha Dua, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.12.2018

1. Learned counsel for the petitioner says that pursuant to last order dated 20.11.2018 possession was taken of the subject premises. It is the contention of the learned counsel for the petitioner that articles belonging to the respondents, which include the furniture, are lying in the subject premises. The submission made is that the respondent should remove the same.

2. Accordingly, the respondent is directed to remove its furniture and articles lying in the subject premises within a period of two (2) weeks.

3. Learned counsel for the respondent submits that he would have no difficulty if this Court were to appoint an Arbitrator as the existence of an arbitration agreement is not in dispute. Learned counsel for the petitioner submits likewise.

3.1 However, learned counsel for respondent says that before the Arbitrator enters upon reference parties may be referred to the Delhi High

Court Mediation and Conciliation Centre for exploring possibility of a mediated settlement.

5. In these circumstances, the petition is disposed of with the following directions.

5.1 Ms. Anita Sahani, Advocate (Cell No.: 9810113256), is appointed as an Arbitrator. The learned Arbitrator will be paid fees as per the Fourth Schedule appended to Arbitration and Conciliation Act, 1996.

5.2 The learned Arbitrator will, however, not enter upon reference till 01.02.2019.

5.3 In the meanwhile, parties and their counsel shall appear before the Delhi High Court Mediation and Conciliation Centre on 07.01.2019 at 3:00 PM.

6. It is made clear that the learned Arbitrator will delay entering upon reference beyond 01.02.2019 only if both the parties submit a written request in that behalf before him.

RAJIV SHAKDHER, J

DECEMBER 18, 2018

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