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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 493/2017**
SMITI GOLYAN

..... Petitioner

Through : Mr.C.P.Vig and Mr.Prateek Kumar,
Adv.

versus

PUREARTH INFRASTRUCTURE LTD

..... Respondent

Through : Mr.(Appearance not given), Adv.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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09.02.2018

IA No.8964/2018

For the reasons explained in the application the delay of 20 days in refiling stands condoned.

The application stands disposed of.

ARB.P. 493/2017

Issue notice.

Learned counsel for the respondent accepts notice.

This petition has been filed under Section 11 of the Arbitration and Conciliation Act.

It is submitted by learned counsel for the petitioner that seven agreements were entered into between the parties and out of which five agreements were of dated 07.01.2008 and others were of dated 14.02.2008. All the agreements contain arbitration clause(s). The venue of the arbitration as stated in the agreements is at Delhi. It is

further submitted that the petitioner had given a notice for appointment of an arbitrator for settling the dispute to which no reply was sent by the respondent. Hence, this petition.

The respondent has filed reply to the main petition wherein it has been submitted that the present petition seeking to refer the matter between parties to arbitration is not maintainable in as much as there is no existing arbitral dispute between the parties. However, the respondents have suggested four names viz., Mr. Justice S. L. Bayana (Retd.), Ms. Justice Sharda Aggarwal (Retd.), Mr. Justice Kailash Gambhir (Retd.) and Mr.P.K. Saxena, ADJ (Retd.). In the circumstances of the case, as suggested, Mr. Justice Kailash Gambhir (Retd.) is appointed as the arbitrator to arbitrate the dispute under the aegis of DIAC. The fee schedule shall be application as per DIAC Rules. Necessary declarations shall be made by the learned arbitrator. The respondent may raise objections before the learned arbitrator.

In view of the above, the petition stands disposed of.

YOGESH KHANNA, J

FEBRUARY 09, 2018

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