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

+ ARB.P. 26/2017

SMT. KIRAN SURI

..... Petitioner

Through Mr. Shalabh Gupta, Adv.

versus

OSEAAN GREEN INFRACON PVT. LTD. & ANR..... Respondents

Through Mr. Harsh Kachar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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09.10.2018

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act') for appointment of an Arbitrator.
2. The record shows that the petitioner claims to be the lessor of the subject property.
3. The lease agreement in that behalf was filed between the petitioner/lessor and the respondent no.1/lessee on 17.2.2014.
4. It appears that the disputes have arisen between the respondent no.1/lessee and the petitioner/lessor.
5. The broad defence taken by the respondent no.1/lessee is that in terms of the aforementioned lease, the rights and interest in the subject property were assigned to respondent no.2.
6. It is, therefore, the stand of the respondent no.1/lessee that it is not liable for the arrears of rent which are claimed by the petitioner/lessor.

7. Upon notice being issued in the petition, not only the respondent no.1/lessee was served but also the respondent no.2 i.e., the assignee was also served. There is, however, no representation on behalf of the respondent no.2.

8. As a matter of fact, at one stage, the respondent no.1/lessee and the respondent no.2, it appears were represented by a common counsel.

9. Since Mr. Kachar, who, appears for the respondent no.1/lessee says that there is no dispute with regard to the existence of the arbitration agreement and that he would have no objection to the appointment of an Arbitrator, provided all defences are kept open, I am inclined to appoint an Arbitrator in the matter.

10. Accordingly, the respondent no.2 is proceeded ex-parte.

11. The petition is disposed of in the following terms:

(i) Mr. Sanjoy Ghosh, advocate, (Cell no.9811118889), is appointed as an Arbitrator in the matter.

(ii) The Arbitrator will make a disclosure in terms of Section 12 of the 1996 Act before entering upon reference.

(iii) The Arbitrator will be paid a fee in terms of the provisions of Fourth Schedule appended to the 1996 Act.

12. The Registry will despatch a copy of the order to the learned Arbitrator as well as to respondent no.2.

RAJIV SHAKDHER, J

OCTOBER 09, 2018

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