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

+ **ARB.P. 489/2017**

PARAMJIT SINGH ARORA & ANR. Petitioners
Through: Mr Medhumeet Kapoor, Advocate.
versus

GETMORE DEVELOPMENTS PVT. LTD.
& ORS. Respondents
Through: Mr Abhishek Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 22.03.2018

1. The petitioners have filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to an agreement dated 12.03.2008 (hereafter 'the Agreement'). The Agreement contains an arbitration clause, which reads as under:-

“12. Dispute Resolution

All disputes arising out of this Agreement, including the validity and interpretation of any part or whole of this Agreement, shall be determined by reference to Arbitration under the Rules of the Indian Council for Alternative Dispute Resolution, New Delhi (ICADR). ICADR rules, as effective at the time of the dispute shall be deemed to be incorporated in this Agreement by this reference.

The arbitration shall be conducted by a panel of three arbitrators, one appointed by GM and the other appointed by the LC acting jointly. The third and presiding arbitrator shall be elected by the two arbitrators appointed by the parties.

The venue of arbitration shall be New Delhi and the

Arbitration shall be conducted in the English Language.

The Award of the arbitrators shall be final and binding upon the Parties.”

2. The learned counsel appearing for the respondents states that the petitioner has not followed the procedure as required under the arbitration clause. However, the respondents would have no objection if an independent arbitrator is appointed and the arbitration is conducted under the aegis of Delhi International Arbitration Centre (DIAC).

3. It is seen that in terms of the Arbitration clause, the arbitration is to be conducted by an Arbitral Tribunal of three arbitrators, under the Rules of ICADR. However, the learned counsel for the parties request that an arbitrator be appointed by this Court and the arbitration be conducted under the Rules of DIAC.

4. In view of the above, with the consent of the parties, Ms Justice Indermeet Kaur, Retired. Judge, Delhi High Court (Phone No. 23382128), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The petition is disposed of.

VIBHU BAKHRU, J

MARCH 22, 2018

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