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

+ **ARB.P. 473/2017**

LOGIX CITY DEVELOPERS PVT. LTD. Petitioner

Through: Mr. A.K. Singla, Senior Advocate
with Mr. Vijay Kaundal, Adv with
Mr. Anshul, AR

versus

DREAM PROCON PVT. LTD. Respondent

Through: Mr. Gaurav Rana with Mr. Abhishek
Aggarwal, Advs

+ **O.M.P.(I) (COMM.) 290/2017**

LOGIX CITY DEVELOPERS PVT. LTD. Petitioner

Through: Mr. A.K. Singla, Senior Advocate
with Mr. Vijay Kaundal, Adv with
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versus

DREAM PROCON PVT. LTD. Respondent

Through: Mr. Gaurav Rana with Mr. Abhishek
Aggarwal, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 22.11.2018

1. After some arguments, learned counsel for the parties are agreed that the captioned petitions can be disposed of bearing in mind the following broad parameters:-

1.1 A neutral arbitrator will be appointed by this Court as there is no dispute with regard to the existence of the arbitration agreement.

1.2 The fee be paid to the Arbitrator as per the terms of the fourth schedule appended to the Arbitration and Conciliation Act, 1996 (in short “1996 Act”)

1.3 Before the Arbitrator enters upon reference, parties will attempt settlement via a mediator appointed by the Delhi High Court Mediation and Conciliation Centre (in short “Centre”)

1.4 Initially two months time be given for this purpose. In case, parties jointly consent in writing for extension of time, the arbitrator should defer entering upon reference in the matter.

2. Based on the agreement arrived at between the parties, the petition is disposed of with the following directions:-

2.1 Accordingly, Hon’ble Mr. Justice K. Chandru, (Retd.) Madras High Court (M: 9444390962) is appointed as an Arbitrator in the matter.

2.2 The learned Arbitrator will not enter upon reference till 31.01.2019.

2.3 Pending the aforesaid, as indicated in clause 1.3 , parties will appear before the Centre on 05.12.2018 at 3:00 pm.

2.4 In case, parties jointly, *albeit*, in writing request the learned Arbitrator to delay entering upon reference, the learned Arbitrator would take a decision in the matter and accordingly pass appropriate directions.

2.5. Needless to say, if a settlement is arrived at between the parties, the proceedings will be disposed of by the learned Arbitrator in terms of settlement.

2.6. The petition under Section 9 of the 1996 Act, filed by the petitioner

before this Court will be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 by the learned Arbitrator.

2.7. The interim order dated 01.08.2017 passed by this Court will continue to obtain till the disposal of the application by the learned Arbitrator.

2.8. The learned Arbitrator will have the authority to either vacate or vary or even confirm the interim order passed by this Court.

2.9. The learned Arbitrator will also examine the viability of other reliefs which are sought by the petitioner in the Section 9 petition.

3. The captioned petitions are disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

NOVEMBER 22, 2018

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