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

+ **FAO(OS) 6/2019 & C.M. Nos. 1414/2019, 5947-5948/2019**

DINESH GUPTA & ORS

..... Appellant

Through: Mr.Rajiv Nayar, Sr. Advocate with Mr.Rishi Agrawala, Ms.Niyati Kohli, Mr.Pranjit Bhattacharya and Mr.Karan Luthra, Advocates

versus

RAJESH GUPTA & ORS

..... Respondent

Through: Mr.P.V. Kapoor, Sr. Advocate with Mr.Sanjay Gupta, Mr.Ateev Mathur, Ms.Jagriti Ahuja, Mr.Amol Sharma and Ms.Kaveri Gupta, Advocates for respondent nos.1 to 3
Mr.Vipul Ganda, Ms.Aastha Trivedi and Ms.Chandreyee Maitra, Advs for respondents 15, 17-22, 24, 25, 27 & 36
Mr.Prashant Mehta, Advocate for Bechu Singh and Bechu Singh (HUF)

30] **FAO(OS) 18/2019 & C.M. No. 4008/2019**

ANAND GUPTA & ORS

..... Appellant

Through: Mr.Arvind Nigam, Sr. Advocate with Mr.Vipul Ganda, Ms.Aastha Trivedi and Ms.Chandreyee Maitra, Advocates for the appellant.

versus

DINESH GUPTA & ORS

..... Respondent

Through: Mr.Ravi Gupta, Sr. Advocate and Mr.Dayan Krishnan, Sr. Advocate with Mr.Rishi Agrawala, Ms.Niyati Kohli, Mr.Pranjit Bhattacharya, Mr.Mr.Karan Luthra and Ms.Aakansha Kaur, Advocates
Mr.Prashant Mehta, Advocate for Bechu Singh and Bechu Singh (HUF)

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **18.03.2019**

The impugned order dated 16.11.2018 has been passed by the learned Single Judge in three applications i.e. I.A. No.1854/2018 in CS(OS)No.51/2018, I.A. No.3238/2018 in CS(OS)No.100/2018 and I.A. No.3241/2018 in CS(OS)No.101/2018. Before us all the parties to the said suits are represented. The appeals were heard for some time, and on 15.3.2019 it was proposed that the disputes in the three suits could be referred to the arbitration, and proceedings were adjourned for today, to enable Mr.Ravi Gupta, Senior Advocate, representing Dinesh Gupta, appellant in FAO(OS)6/2019, to take instructions.

Today, Mr.Ravi Gupta, Senior advocate states, on instructions from the appellant Dinesh Gupta, that the appellants are agreeable that the *inter se* disputes arising amongst the parties in the above said three suits be referred to a sole arbitrator. Parties are agreeable on appointment of Mr. Justice A.K. Sikri (Retd. Judge, Supreme Court of India) as the Sole Arbitrator to adjudicate upon disputes and differences arising in the three suits. Parties are agreeable that all their rights and contentions be preserved, and it shall be open to them to raise all their submissions before the learned Arbitrator. They are agreeable that the fee of the learned Arbitrator may be fixed by the learned Arbitrator himself.

Accordingly, the disputes in all three suits are referred to the

Sole Arbitration of Mr. Justice A.K. Sikri (Retd. Judge, Supreme Court), for decision on merits.

Parties are also agreeable that the interim arrangement ordered by the learned Single Judge in the impugned order dated 16.11.2018, as modified by the Division Bench in its order dated 14.1.2019 in FAO(OS)No.6/2019 be continued, and the present appeals i.e. FAO(OS)No.6/2019, FAO(OS)No.18/2019 and Cross Objections [No.5947/2019 in FAO(OS)No.6/2019] be also placed before learned Arbitrator to be treated as the applications under Section 17 of the Arbitration & Conciliation Act, 1996, for decision. Parties are further agreeable that they may move further application, if any, under Section 17 of the Arbitration & Conciliation Act, 1996 before learned Arbitrator. Ordered accordingly.

The learned Arbitrator shall be free to pass orders under Section 17 of the Arbitration & Conciliation Act, 1996 after hearing the parties, uninfluenced either by the impugned order dated 16.11.2018 passed by learned Single Judge, or by the order dated 14.1.2019 passed by the Division Bench. The impugned order dated 16.11.2018 passed by the learned Single Judge, and the order dated 14.01.2019 shall merge in the orders that may be passed by the Ld. Arbitrator.

Parties shall appear before learned Arbitrator on 29.3.2019 at 4:30 p.m. However, in case that date is not convenient to the learned Arbitrator, he may fix another date as per his convenience. Parties shall be free to place before the learned Arbitrator complete record of this court, as well as the records of the suits.

In view of above, both the appeals/ cross objections and

pending applications stand disposed of, so far as this Court is concerned.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 18, 2019/ssn