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

+ **ARB.P. 215/2019**

TLG INDIA PVT. LTD. Petitioner

Through: Ms. Radha Bansod, Advocate.

versus

NINEYARDS REALTY PVT. LTD. Respondent

Through: Mr. Sandeep Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.05.2019**

1. This petition under section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed for appointment of Arbitrator. The Respondent does not dispute the existence of the Arbitration Agreement. The invocation notice is also not disputed. Respondent also does not oppose the present petition. He however objects to the prayer made in the petition on the ground that the claims sought to be raised are barred by limitation.

2. Under section 11(6), the court while deciding an application for appointment of an arbitrator is only required to examine the question of existence of the Arbitration Agreement. The plea of limitation would have to be examined by the Arbitral tribunal

3. For the foregoing reasons, the court sees no impediment in allowing the Petition. Accordingly, Mr. S K Tandon (Retired Additional District Judge) (Mob. 9811719888) is appointed as the sole Arbitrator to adjudicate the

disputes and differences including claims and counter-claims between the parties to this petition. The Respondent shall be at liberty to raise the plea of limitation before the Sole Arbitrator.

4. The parties are directed to appear before the Arbitrator as and when notified. Learned Arbitrator will issue a declaration under Section 12 read with the attendant provisions of the 1996 Act before entering upon reference.

5. The learned Arbitrator will be paid his fee in terms of the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996

6. The Petition is allowed in the above terms. No order as to costs. The Registry will despatch a copy of this order to the learned Arbitrator.

SANJEEV NARULA, J

MAY 20, 2019

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