

\$~9

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

+ **ARB.P. 397/2019**

JANKI KAPOOR

..... Petitioner

Through: Mr. Rahul Kochar, Advocate with
Mr. Kshitiz Garg, Advocate.

versus

M/S CASTLE 9 RESTAURANTS PVT. LTD

..... Respondent

Through: Ms. T.S. Shanthi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **31.05.2019**

I.A. 8358/2019 (exemption)

1. Exemption allowed subject to all just exceptions.

ARB.P. 397/2019

2. Issue notice. Ms. T.S. Shanthi, Advocate, accepts notice on behalf of the Respondent.

3. Learned counsel for the Respondent, on instructions, states that the existence of the Arbitration Agreement and the invocation notice are not in dispute.

4. Learned counsel for the Respondent states that her client has no objection in case the Court was to appoint the sole Arbitrator for adjudicating the disputes and differences between the parties.

5. The Arbitration Clause is contained in Clause 29 of the Lease Agreement

which reads as under:-

“29. That all the dispute and differences arising between the parties hereto with regards to the interpretation of any provision or terms or the manner thereof or with regards to any claim of either party against other or with regard to right and obligations of either party against other or with regards to rights and obligation of either party hereto under its agreement or otherwise howsoever, shall be referred to be appointed by the mutual consent of both parties and such arbitrator shall be covered by provision of Arbitration and Conciliation Act,1996”

6. In view of the above, Mr. Govind Chandrayan (Retd. District Judge) (9971114917) is appointed as Arbitrator to adjudicate the disputes and differences, claims and counter-claims between the parties to the present petition.

7. 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.

8. 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.

9. 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 31, 2019/ss