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

Date of Decision: 30.1.2019

+ ARB.P. 559/2018

CLOUD NINE GROUPS

..... Petitioner

Through: Mr. Mullapudi Rambabu, Ms.
Vijayshree Pattnaik and Mr. N. E.
Rao, Adv.

versus

UBER INDIA SYSTEMS PVT. LTD.

..... Respondent

Through Mr. Nikhil A. Menon, Adv.

AND

+ ARB.P. 560/2018

CLOUD NINE GROUPS

..... Petitioner

Through: Mr. Mullapudi Rambabu, Ms.
Vijayshree Pattnaik and Mr. N. E.
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versus

UBER INDIA SYSTEMS PVT. LTD.

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..... Respondent

Through Mr. Nikhil A. Menon, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. These captioned petitions have been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short '1996 Act') for appointment of an Arbitrator.

2. Notice in these petitions was issued on 6.8.2018.

2.1 On the returnable date i.e. 8.10.2008, Mr. Menon entered appearance on behalf of the respondent.

2.2 Learned counsel, on that date, was given three (3) weeks to file a reply.

2.3 No reply has been filed despite an opportunity being given to the respondent in that behalf.

3. Mr. Menon, however, says that he would have no objection in this Court appointing a sole independent Arbitrator who would then proceed to adjudicate the disputes obtaining between the parties.

4. Furthermore, Mr. Menon says that the parties may be given an opportunity to arrive at a mediated settlement before the Arbitrator enters upon reference.

4.1 Ms. Pattnaik, who appears for the petitioner submits likewise.

5. Accordingly, the captioned petitions are disposed of with the following directions:

(i) Mr. Justice K. Ramamoorthy, former Judge, Delhi High Court (Cell no:9810529889), is appointed as an Arbitrator in the matter.

(ii) The learned Arbitrator will be paid his fee as per the provisions of the Fourth Schedule appended to the 1996 Act.

(iii) The learned Arbitrator will not enter upon reference till 31.3.2019.

(iv) In the interregnum, the parties and their counsel will appear before the Mediator appointed by the Delhi High Court Mediation and Conciliation Centre (for short 'Centre') on 1.2.2019 at 3:00 P.M.

(v) In case further time is required to arrive at a mediated settlement, the parties and/or their counsel will jointly approach the Arbitrator, who will then extend the time if he deems fit, based on a joint written request of the parties and/or their respective counsel.

6. *Dasti* under the signatures of the Court Master.

JANUARY 30, 2019
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RAJIV SHAKDHER, J