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

+ ARB.P. 420/2018

ALCOTT TOWN PLANNER (P) LTD. Petitioner
Through Mr. Samiron Borkataky, Adv.

versus

BARMAN RESORTS PRIVATE LIMITED Respondent
Through Mr. Ramesh Chandra, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **14.02.2019**

1. The order dated 10.12.2018 shows that the mediation has failed.
- 1.1 This fact is affirmed and reiterated by the counsel for the parties.
2. Mr. Chandra, who, appears for the respondent, does not dispute the fact that there is an arbitration agreement obtaining between the parties.
3. The learned counsel, however, says that there is a possibility of parties arriving at an amicable settlement, provided an opportunity is granted in that behalf.
4. I have examined the arbitration agreement obtaining between the parties.
5. By way of reference the arbitration agreement stands incorporated in the Letter of Acceptance dated 1.12.2017 (for short 'LOA').
6. The arbitration agreement confers exclusive jurisdiction on the Courts in Delhi.

7. In these circumstances, the petition is disposed of with the following directions:

(i) Mr. R.S. Arya, Former ADJ (Cell No: 9312880188) 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 Arbitration and Conciliation Act, 1996 (for short '1996 Act').

(iii) The learned Arbitrator, however, will not enter upon reference till 15.4.2019. Between now and till that date, the parties will be free to explore the possibility of arriving at a settlement in the matter.

(iv). In case the settlement is reached, parties will take appropriate steps to have the same recorded in accordance with law.

(v). In case parties require further time, the parties will jointly approach the Arbitrator for extension of time.

(v)(a) The Arbitrator shall assess the position and, if deemed fit, will grant further time keeping in mind that the arbitration proceedings have to be concluded within a defined period as indicated in the 1996 Act.

8. Needless to say, parties will be free to advance their respective contentions on merits which will not get impacted by the order passed today.

RAJIV SHAKDHER, J

FEBRUARY 14, 2019

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