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

+ **ARB.P. 564/2018**

COL VIJAI PRAKASH RASTOGI & ORS. Petitioners

Through: Mr. Avanish Kumar, Adv

versus

SUBHASH DOGRA Respondent

Through: Mr. Ankur Minocha, Adv with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.01.2019**

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (in short "1996 Act").
2. Notice in this application was issued on 06.08.2018 which was made returnable on 10.10.2018.
3. On 10.10.2018, Mr. Ankur Minocha along with Mr. M.L. Mahajan and Ms. Meena Mahajan, Advocates entered appearance on behalf of the respondent. Time to file a reply in the matter was sought on behalf of the respondent on that date. Accordingly, four weeks were granted.
4. To date, no reply has been filed.
5. Mr. Ankur Minocha, Advocate, on instructions of the respondent who is present in the Court says that since there is no dispute as to the existence of the arbitration agreement, this Court may appoint an independent Arbitrator in the matter.

6. Furthermore, counsel for the respondent says that an opportunity be also given to the parties to arrive at an amicable settlement, and to take this forward, refer the matter to the Delhi High Court Mediation and Conciliation Centre (in short “Centre”).

7. Mr. Avanish Kumar, who, appears on behalf of the petitioners says that he has no difficulty in the matter being referred to the Centre.

8. Accordingly, the petition is disposed of with the following directions:-

8.1 Parties and their respective counsels will appear before the Centre on 24.01.2019 at 3:00 pm.

8.2 Mr. Kamlesh Kumar, former District & Sessions Judge, Delhi (Mobile No.: 9971208844) is appointed as an Arbitrator in the matter.

8.3 Learned Arbitrator will be paid his fee as per the provisions of the Fourth Schedule appended to the 1996 Act.

8.4 The Arbitrator shall not enter upon reference till 31.03.2019.

8.5 In case, this date needs to be extended, the learned Arbitrator shall do so only after a joint written consent in that behalf is placed before him by the parties and their counsels.

9. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

JANUARY 11, 2019

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