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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 861/2018**

VARDHMAN BUILDTECH PRIVATE LIMITED Petitioner

Through: Mr. Shiv Khorana, Advocate.

versus

SNG DEVELOPERS LIMITED Respondent

Through: Mr. Pradeep Dhingra, Advocate with
Ms. Shalini Dhingra, Advocate.
Mr. Prateek Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **04.04.2019**

1. Mr. Shiv Khorana, learned counsel for the Petitioner states that he has received authority from the Insolvency Resolution Professional to represent the Company in the above matter. He has a vakalatnama in his favour and undertakes to file the same before the Registry within a period of three days from today.

2. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('the Act') seeks appointment of an Arbitrator for adjudication of disputes and differences that have arisen between the parties under the Agreement dated 4th April 2011. Learned counsel for the Respondent does not dispute the existence of the Agreement dated 4th April 2011, which contains the arbitration clause. He also does not dispute that the Petitioner invoked the arbitration clause and sought for the appointment of the

Arbitrator. In fact, learned counsel for the Respondent replied to the said notice vide reply notice dated 23rd August 2018. In view of the above, there is no impediment for the Court to appoint an Arbitrator. Accordingly, Hon'ble Mr. Justice B.D. Ahmed (Retired Judge, Delhi High Court) is appointed as an Arbitrator in the present matter.

3. Learned Arbitrator will issue a declaration under Section 12 read with the attendant provisions of the Act before entering upon reference. The Arbitrator shall settle the Arbitral fee having regard to the provisions of the Fourth Schedule appended to the Act.

4. Learned counsel for the Respondent, additionally, submits that the subject matter of the present arbitration is interlinked with other agreements, and therefore, while deciding the other petitions which are listed today, a common Arbitrator be appointed.

5. In the arbitration proceedings, both the parties shall be free to raise all pleas and objections as are available under law including those relating to the validity of the arbitration agreement.

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.

APRIL 04, 2019/ss