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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 855/2018 & IA 16602/2018**
HARENDRA KUMAR ROY & ANR. Petitioners
Through: Ms.Nattasha Garg, Adv.

versus

OMAXE LTD. Respondent
Through: Mr.Ashish Rana, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **06.03.2019**

IA 16602/2018

Exemption allowed subject to all just exceptions.

ARB.P. 855/2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioners seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Letter of Allotment dated 01.02.2011 and the Addendum thereto of the same date. A Lease Agreement was also executed between the parties on the same date. The Arbitration Agreement is contained in Clause 18.2 of the Lease Agreement.
2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 18.09.2018. The respondent however, did not agree on the appointment of an Arbitrator. The petitioner therefore, filed the present petition.
3. Counsel for the respondent submits that the claims raised by the

petitioners are completely frivolous and not maintainable.

4. In my view, these submissions have to be taken before the Arbitrator and not before this Court. As the existence of the Arbitration Agreement and due invocation thereof remain uncontested, I see no impediment in appointing an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreements.

5. The Arbitration Agreement between the parties stipulates for constitution of a three member Arbitral Tribunal. Counsels for the parties submit that keeping in view the amount of claim involved, this Court may appoint a Sole Arbitrator instead of a three member Arbitral Tribunal. I find the request to be reasonable.

6. In view of the above, I appoint Mr.Pradeep Kumar, Advocate (R/o A-174, Gujranwala Town, Part-I, Delhi-110009, Mobile-9810243924) as a Sole Arbitrator for adjudicating the disputes between the parties.

7. The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.

8. The petition is allowed in the above terms with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MARCH 06, 2019
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