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

+ ARB.P. 754/2019

25 M/S SUNEHARI BAGH BUILDERS PVT. LTD. Petitioner
Through: Mr.Avinash Trivedi and Ms.Ritika
Trivedi, Advocates

versus

DELHI TOURISM & TRANSPORTATION
DEVELOPMENT CORPORATION LTD. Respondent
Through: Ms.Anisha Upadhayay, Advocate

+ ARB.P. 764/2019

26 M/S SUNEHARI BAGH BUILDERS PVT. LTD. Petitioner
Through: Mr.Avinash Trivedi and Ms.Ritika
Trivedi, Advocates

versus

DELHI TOURISM & TRANSPORTATION
DEVELOPMENT CORPORATION LTD. Respondent
Through: Ms.Anisha Upadhayay, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **24.01.2020**

1. The petitioner is seeking appointment of an Arbitrator under Section 11(6) of the Arbitration and Conciliation Act.
2. The petitioner has claims to the tune of approx. Rs.1.16 crore in ARB.P.754/2019 and approx. Rs.97 lakh in ARB.P. 764/2019.
3. The arbitration agreement between the parties is contained in Clause 25 of General Conditions of Contract. The petitioner validly invoked the arbitration. The arbitration agreement and the invocation notices are not

disputed.

4. Learned counsel for the respondent submits that the respondent has appointed an Arbitrator. However the appointment of the Arbitrator after filing of this petition is of no consequence. Learned counsel for the respondent submits on instructions that the respondent shall terminate the mandate of the Arbitrators appointed and has no objection to the appointment of an Arbitrator by this Court.

5. These petitions are allowed and Mr. Justice S. N. Kapoor, former Judge of this Court (Mobile No. 9873405595) is appointed as an Arbitrator to adjudicate the disputes between the parties in both the claims.

6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC).

7. The learned arbitrator shall ensure the compliance of Section 12 read with Fifth, Sixth and Seventh Schedule of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

8. The fee of the learned arbitrator shall be in accordance with the Schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

9. Copy of this order be sent to Delhi International Arbitration Centre (DIAC).

10. Copy of this order be sent to the learned arbitrator.

11. Copy of this order be given *dasti* to counsels for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 24, 2020/ds