

via video conferencing

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

+ **ARB.P. 205/2020 & I.A. 4220/2020**

+ **ARB.P. 206/2020 & I.A. 4221/2020**

CHANDRASHEKHAR R KALE Petitioner.

Through: Mr.Sanjeev Sahay & Mr.Gagan
Kataria, Advs.

Versus

ALCOTT TOWN PLANNERS PVT.LTD. & ANR..... Respondents

Through: Mr.Kuljeet Rawal, Mr.Vikram Alung
& Mr.Bipab Bag, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.06.2020

1. These two petitions under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') both seek appointment of an Arbitrator for adjudication of disputes between the parties in relation to Management Service Agreement dated 23.10.2018.

2. Learned counsel for the petitioner submits that upon disputes having arisen between the parties, the petitioner tried to amicably settle the matter with the respondents and upon having not succeeded in the said attempt, he invoked arbitration by way of notice dated

22.01.2020 and suggested the name of one Shri Rajesh Ranjan as the sole Arbitrator. In response thereto, the respondents vide its letter dated 22.02.2020, while not disputing that an Arbitrator was required to be appointed, had suggested that the petitioner should approach the competent court for appointment of an Arbitrator.

3. Issue notice. Mr.Kuljeet Rawal, Advocate accepts notice on behalf of the respondents and without admitting the averments made in the petition, does not oppose the appointment of an Arbitrator for adjudication of the disputes between the parties in relation to the Management Service Agreement dated 23.10.2018.

4. Accordingly, with the consent of the parties, the petitions are disposed of by appointing Ms. Justice Reva Khetarpal, (Mobile No.9871300030), former Judge of this Court, as the sole Arbitrator for adjudication of the disputes and differences which have arisen between the parties in relation to Management Service Agreement dated 23.10.2018 in both the petitions.

5. It is made clear that this Court has not considered the rival claims of the parties on merits and it will be open for them to raise all pleas permissible in law, before the learned Arbitrator. It will therefore be open for the respondents to file a counter claim, if any, before the learned Arbitrator, which will also be considered by the learned Arbitrator as per law.

6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC). The fees of the learned arbitrator shall be in accordance with the Schedule-IV of fees

prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.

7. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

8. A copy of this order be sent to Delhi International Arbitration Centre (DIAC) as also to the learned Arbitrator through electronic means.

9. The petitions along with pending applications are disposed of.

REKHA PALLI, J

JUNE 5, 2020

gm