

Via video conferencing

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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 219/2020

KUMAR AKSHAT

..... Petitioner

Through Mr.Vikas Kakkar, Adv.

versus

M/S. M.G. HOUSING PVT. LTD.12T THRU MANAGING
DIRECTOR

..... Respondent

Through Mr.Prabhakar Tiwari, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

27.08.2020

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act seeking appointment of an Arbitrator for adjudication of disputes, which have arisen between the parties in relation to Apartment Buyers Agreement dated 24.08.2013.

2. Upon notice being issued, Mr.Prabhakar Tiwari, Advocate enters appearance on behalf of the respondent and submits that though the respondent has no objection to the appointment of an Arbitrator for adjudication of the disputes between the parties, the names suggested by the petitioner are not acceptable to the respondent. He, therefore, prays that an independent Arbitrator be appointed by this Court.

3. Learned counsel for the petitioner also makes a similar request for appointment of an independent Arbitrator.

4. In view of the aforesaid stand taken by the parties and the arbitral clause 13.9 as contained in the Agreement dated 24.08.2013, the petition is allowed. Accordingly, with the consent of the parties, Mr.Aadil Boparai, Advocate (Mobile No.9999190092), is appointed as the sole Arbitrator for adjudication of the disputes, which have arisen between the parties in relation to the Apartment Buyers Agreement dated 24.08.2013.

5. It is made clear that this Court has not considered the rival claims of the parties on merits and it will, therefore, be open for them to file claims/counter claims and raise all pleas permissible in law, before the learned Arbitrator, which will be decided in accordance with law.

6. Before commencing arbitration proceedings, the Arbitrator will ensure compliance of Section 12 of the Act. 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. A copy of this order be sent to the learned Arbitrator through electronic means.

8. The petition stands disposed of.

REKHA PALLI, J

AUGUST 27, 2020

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