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

+ O.M.P.(I) (COMM.) 165/2020 & IA. 6731/2020

SANJEEV KUMAR WADHWA Petitioner
Through: Mr. Rishi Manchanda, Adv.

versus

DARSHAN LAL Respondent
Through: Ms. Neha Kapoor, Adv.

AND

+ ARB.P. 55/2020

SANJEEV KUMAR WADHWA Petitioner
Through: Mr. Rishi Manchanda, Adv.

versus

DARSHAN LAL Respondent
Through: Ms. Neha Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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08.09.2020

These two petitions have been filed by the petitioner Sanjeev Kumar Wadhwa.

On July 3, 2020, this Court in O.M.P.(I) (COMM.) 165/2020 had granted interim order in favour of the petitioner inasmuch as the respondent was restrained from encumbering, alienating or otherwise parting with the possession or creating third party rights in respect of the property being I-148, Ground Floor, Kirti Nagar, New Delhi – 110015.

Suffice would it be to state that an application has been filed by the respondent for vacation of the order dated July 3, 2020. The interim order is continuing till date. Today, it was put to the learned counsel for the parties, if they agree, this Court can appoint a Sole Arbitrator for adjudicating the disputes and differences between the parties. Till such time, the parties appear before the learned Arbitrator, interim order passed in OMP (I) (COMM) 165/2020 on July 3, 2020 shall continue. It was also suggested that this petition under Section 9 of the Arbitration and Conciliation Act, shall be treated as an application under Section 17 of the Act to be decided by the learned Arbitrator. The counsel agree to the suggestion.

In view of the consent given by the learned counsel for the parties, this Court appoints Ms. Justice Pratibha Rani, a Retired Judge of this Court as the Sole Arbitrator, who shall adjudicate the disputes and differences between the parties. Parties through their counsel shall appear before the Id. Arbitrator on September 22, 2020. Learned Arbitrator shall be at liberty to hold the proceedings through video conferencing. Mr. Rishi Manchanda, learned counsel for the petitioner shall file on record of the learned Arbitrator a copy of the petition being OMP (I) (COMM) 165/2020 along with copy of IA. 6731/2020.

Till the date of hearing before the learned Arbitrator, the interim order dated July 3, 2020 in OMP (I) (COMM) 165/2020 shall continue. Learned Arbitrator shall consider the continuance / variation / vacation of the order on the date of hearing.

The Coordinator, DIAC shall communicate to the counsel for the parties any charges to be paid in advance. On receipt of such

communication, the compliance shall be made by the parties within three days' thereafter.

It is made clear the petition being OMP (I) (COMM) 165/2020 shall be treated as an application filed by the petitioner under Section 17 of the Arbitration and Conciliation Act. Learned counsel for the respondent states that the application being IA. 6731/2020 be considered as a reply to the application under Section 17 of the Act. The said statement is taken on record. Rejoinder be filed by the petitioner within 10 days from today with a copy to the learned counsel for the respondent.

Let a copy of this order be sent to Coordinator DIAC and the learned Arbitrator.

Petitions stand disposed of.

V. KAMESWAR RAO, J

SEPTEMBER 8, 2020/jg