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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 279/2020**

MODICARE LIMITED

..... Petitioner

Through: Mr. Tarun Singla and
Mr. Kunal Srivastava, Adv.

versus

SHINE IMPEX & ORS.

..... Respondents

Through: Ms. Renuka Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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21.09.2020

This matter is being heard through video-conferencing.

1. The present petition has been filed by the petitioner under Section 11(5) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.
2. Ms. Renuka Arora, learned counsel appearing for the respondents has no objection for appointment of an Arbitrator. An issue has been raised, that as the privity of contract being between the petitioner and the respondent No.2, who is proprietor of the respondent No.1, the respondent No.3, be deleted from the array of parties.
3. On the other hand, Mr. Tarun Singla would submit that the respondent No.1 proprietorship concern was actually being run by the respondent No.3. In support of his submission, he has drawn my attention to certain correspondence made by the respondent No.3.
4. Granting liberty to the respondent No.3 to contest his impleadment

before the learned Arbitrator, I deem it appropriate to appoint Justice Surinder Singh Saron, a retired Judge of Punjab and Haryana High Court as an Arbitrator, (who is also in the panel of DIAC) who shall adjudicate the dispute and differences between the parties. The fee of the learned Arbitrator shall be regulated under the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

5. The parties to appear before learned Arbitrator for preliminary hearing after taking a prior appointment on his mobile No. 9780008109.

6. Liberty is also with the learned Arbitrator to hold the proceedings through video-conferencing.

7. The petition is disposed of.

8. Let a copy of this order be sent to Justice Surinder Singh Saron, a retired Judge of Punjab and Haryana High Court for information on his address:

“A-441, FG, Defence Colony,
New Delhi.”

Deficient court fee, if any, be filed within one week from today.

V. KAMESWAR RAO, J

SEPTEMBER 21, 2020/aky