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

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+ ARB.P. 678/2019

SH. ANIL MITHAS & ANR.

..... Petitioners

Through: Mr.Deepak Biswas, Ms.Reeva
Gujnal, Advocates

versus

M/S NUPUR FINVEST PVT. LTD

..... Respondent

Through: Mr.P. Nagesh, Mr.Harshal Kumar,
Advocates

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+ ARB.P. 679/2019

SH. ANIL MITHAS & ANR.

..... Petitioners

Through: Mr.Deepak Biswas, Ms.Reeva
Gujnal, Advocates

versus

M/S NUPUR FINVEST PVT. LTD.

..... Respondent

Through: Mr.P. Nagesh, Mr.Harshal Kumar,
Advocates

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+ ARB.P. 680/2019

SH. ANIL MITHAS & ANR.

..... Petitioners

Through: Mr.Deepak Biswas, Ms.Reeva
Gujnal, Advocates

versus

M/S NUPUR FINVESH PVT. LTD.

..... Respondent

Through: Mr.P. Nagesh, Mr.Harshal Kumar,
Advocates

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+ ARB.P. 681/2019

SH. ANIL MITHAS & ANR.

..... Petitioners

Through: Mr.Deepak Biswas, Ms.Reeva
Gujnal, Advocates

versus

M/S NUPUR FINVEST PVT. LTD. Respondent
Through: Mr.P. Nagesh, Mr.Harshal Kumar,
Advocates

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+ ARB.P. 682/2019

SH. ANIL MITHAS & ANR. Petitioners
Through: Mr.Deepak Biswas, Ms.Reeva
Gujnal, Advocates

versus

M/S NUPUR FINVEST PVT. LTD. Respondent
Through: Mr.P. Nagesh, Mr.Harshal Kumar,
Advocates

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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07.01.2020

1. The petitioners are seeking appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act.
2. Learned counsel for the respondent submits that the respondent has already appointed a sole arbitrator to adjudicate the disputes between the parties and the said arbitrator has entered upon the reference.
3. Learned counsel for the petitioners objects to the appointment of a sole arbitrator by the respondent. Reliance is placed on recent judgment of the Supreme Court in *Perkins Eastman Architects DPC v. HSCC (India) Ltd.*, MANU/SC/1628/2019.
4. Learned counsel for the respondent submits that the appointment of the arbitrator by the respondent is valid. However, without prejudice to its rights and contentions, learned counsel for the respondent agrees, on instructions from the respondent, to the appointment of a sole arbitrator by

this Court. It is further submitted that without prejudice to its rights and contentions, the respondent shall terminate the mandate of the sole arbitrator within two weeks and all questions relating to the appointment of the sole arbitrator by the respondent be left open.

5. In view of the aforesaid statement, the petitions are allowed and Mr. Justice A.P. Shah, former Chief Justice of this Court (Mobile No.9910160007) is appointed as a sole arbitrator to adjudicate the disputes between the parties including the five claims of the respondent totalling approx. Rs.15 crores along with interest thereon.

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 07, 2020/dk