

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 135/2021 & I.A.1077/2021**
ANSAL HOUSING LIMITED

Petitioner

Through: Mr. Sachin Datta, Senior Advocate
with Mr. Vikas Tiwari, Mr. Aamir
Jamal, Mr. Kumar Deepraj and Ms.
Khushboo Kapur, Advocates.

versus

SAMYAK PROJECTS PRIVATE LIMITED

Respondent

Through: Mr. Vivek Kohli, Senior Advocate
and Mr. Ayushman Kacker,
Advocates.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

%

22.01.2021

The present matter has been taken up for hearing in physical Court.

I.A.No.1077/2021 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 135/2021

This is a petition under section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") seeking appointment of sole arbitrator.

It has been submitted by learned senior counsel appearing on behalf of the petitioner that petitioner and the respondent had entered into a Memorandum of Understanding dated 12.04.2013 for the purpose of development and construction of a commercial/residential complex on a

plot of land admeasuring 2.60 acres at Sector 83 of Gurgaon Manesar Urban Complex Master Plan.

As per the petitioner the respondent arbitrarily terminated the said MoU vide legal notice dated 10.11.2020, although the MoU was irrevocable. The MoU contains an arbitral clause and petitioner has invoked the same vide notice dated 19.12.2020.

Under these circumstances, in view of the Clause 21 of the MoU, a prayer has been made in this regard to appoint any retired judge of Supreme Court or of High Court as sole Arbitrator for adjudicating the disputes between the parties emanating from MoU dated 12.04.2013.

Issue notice.

Mr. Ayushman, Advocate accepts notice on behalf of the respondent.

At the outset, it has been submitted by both the parties that they are agreeable that Justice A. K. Sikri, retired judge of Supreme Court may be appointed as a sole Arbitrator to enter upon and decide the disputes between the parties emanating from MoU dated 12.04.2013.

In view of this, Justice A.K. Sikri (Mobile No.9818000300), retired judge of Supreme Court is appointed as sole Arbitrator with a request to enter upon the reference on 05.02.2021 at 4:00 PM.

Both the parties have agreed that they shall appear before the learned Arbitrator either physically or virtually, as may be convenient to the learned Arbitrator. The remuneration and other conditions shall be governed by the rules framed by the Delhi International Arbitration Centre (DIAC).

The learned Arbitrator shall make declaration under Section 12 of the Act. Both the parties have agreed that seat of Arbitration shall be at Delhi.

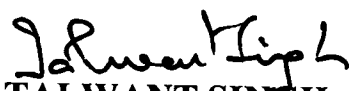
The petition is disposed of in the above terms.

Copies of the order be sent to learned Sole Arbitrator at the earliest.

The copies of the order be also provided electronically to both the counsel.

JANUARY 22, 2021

mr


TALWANT SINGH, J

Click here to check corrigendum, if any