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

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Date of decision: 27.07.2021

+ O.M.P. (T) (COMM.) 64/2021

SMT. MAYA RANI SINGHAL

..... Petitioner

Through: Mr. Udyan Srivastava, Advocate

Versus

SHRI. HARDEEP SINGH

..... Respondent

Through: Mr. Deepak Arora, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

I.A. 8964/2021 (exemption)

1. Allowed subject to all just exceptions.
2. Application is disposed of.

I.A. 8965/2021 (exemption)

3. Allowed subject to all just exceptions and with direction to file requisite affidavits within four weeks of the Court resuming normal functioning.
4. Application is disposed of.

O.M.P. (T) (COMM.) 64/2021

5. The present petition has been preferred by the petitioner under the O.M.P. (T) (COMM.) 64/2021

provisions of Sections 14 & 15 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator under substitution.

6. Notice issued.

7. Mr. Deepak Arora, Advocate, accepts notice on behalf of respondent.

8. Learned counsel for petitioner submits that to adjudicate the disputes and differences between the parties in relation to, connected with and arising out of the Collaboration Agreement dated 12.11.2011 executed between the parties in respect of property bearing municipal No. 65/30, New Rohtak Road, Karol Bagh, New Delhi- 110005, admeasuring 237 sq. yds., petitioners had preferred a petition under Section 11 (6) of the Act for appointment of an Arbitrator and vide Order dated 16.12.2015 [in ARB.P.616/2015, *Maya Rani Singhal Vs. Hardeep Singh*] this Court had appointed Justice (Retd.) Anil Kumar as Sole Arbitrator, however, after His demise, a new Arbitrator has to be appointed.

9. Learned counsel for respondents submits that in view of aforesaid submission of learned counsel for petitioners, there is no objection to appointment of Sole Arbitrator by this Court, however, all issues should be left open to be raised before the learned Arbitrator.

10. Learned counsel for the parties jointly submit that as per schedule,

time for making the Award is expiring on 14.08.2021 and pray for a further extension of nine months.

11. In view of the above, the present petition is allowed. Accordingly, **Justice (Retd.) J.R.Midha (Mobile: 9910384619)** is appointed Sole Arbitrator to adjudicate the dispute between the parties.

12. The fee of the learned Arbitrator shall be governed by the Fourth Schedule of the Arbitration and Conciliation Act, 1996.

13. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

14. Needless to say, all issues are left open for agitation by the parties and consideration by the learned Arbitrator.

15. The time for making the award is extended for a further period of nine months from 15.08.2021.

16. With aforesaid directions, the present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

JULY 27, 2021

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