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

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Date of decision: 23.08.2021

+ O.M.P. (T) (COMM.) 81/2021

AMIT ARORA

..... Petitioner

Through

Mr. Chinmoy Pradip Sharma, Senior
Advocate with Mr. Shailesh Kumar
Sinha, Advocate

Versus

DLF HOME DEVELOPERS LTD.

..... Respondent

Through

Ms. Deveshi Mishra & Ms. Anjali
Dwivedi, Advocates

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. 10532/2021(exemption)

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

I.A. 10533/2021(exemption)

3. Exemption is allowed with direction to file requisite affidavits within four weeks of this Court resuming normal functioning.
4. Application is disposed of.

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O.M.P. (T) (COMM.) 81/2021

5. The present petition has been preferred by the petitioner under the provisions of Section 14 r/w Section 15(2) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator under substitution.

6. Notice issued.

7. Ms. Deveshi Mishra, Advocate, accepts notice on behalf of respondent.

8. Learned counsel for petitioner submits that in respect of Unit No. CGW- 242, Phase -III, DLF Capital Greens and in terms of Clause- 55 of Apartment Buyer's Agreement No. 149 dated 01.04.2011, to adjudicate the disputes and differences between the parties, arbitration proceedings were conducted by Justice (Retd.) Anil Kumar, however, after His demise, a new Arbitrator has to be appointed.

9. Learned counsel for respondent submits that after demise of Justice (Retd.) Anil Kumar, appointment of a substituted Arbitrator has to be made and so, there is no objection to this petition.

10. Learned counsel for petitioner further submits that three names for appointment of sole Arbitrator have been proposed to the respondent.

11. Learned counsel for respondent submits out of the three proposed names, Justice (Retd.) Manmohan Singh be appointed as Arbitrator in this case.

12. In view of the above, the present petition is allowed. Accordingly, Justice (Retd.) Manmohan Singh is appointed the Sole Arbitrator to adjudicate the dispute between the parties.

13. This Court is informed that the arbitration has reached at the stage of final arguments and so, the fee of the learned Arbitrator is fixed at Rs.4,00,000/- (Rupees Four Lacs only) in this case.

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

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

(SURESH KUMAR KAIT)
JUDGE

AUGUST 23, 2021

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