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

% ***Date of decision: 26.10.2021***

+ **ARB.P. 1008/2021**

BALAJI CONSTRUCTIONS Petitioner

Through: **Mr. K.S.Negi, Advocate**

Versus

SHIVANI DUDANI & ANR. Respondents

Through: **Mr. Ravi Gupta, Senior Advocate**
with **Mr.Sachin Jain, Mr. Himanshu**
Yadav & Mr. Ishaan Gupta,
Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

1. The present petition has been filed by petitioner seeking appointment of Sole Arbitrator under the provisions of Section 11(6) of the Arbitration and Conciliation Act, 1996.

2. The Petitioner is a registered partnership and the respondents were the owners of a free hold plot of land bearing No. 7 on Road No. A-23 measuring 420 sq. Mtrs (502.32 sq. Yds. Approx.) situated in the residential colony, DLF City Phase-I, Gurugram, Haryana.

3. The petitioner entered into an Agreement on 15.06.2019 with the

respondents for development and construction of property bearing No. A-23/7, DLF City Phase-I, Gurugram, Haryana. However, according to petitioner, the respondents backed out/ resiled from performing their part of the said agreement by raising frivolous issues and since the efforts to amicably resolve the disputes arose between the parties, the petitioner approached this Court under Section 9 of the Arbitration and Conciliation Act, 1996 [O.M.P (I) (COMM.) No. 221/2021], which was disposed of vide judgment/order dated order/judgment dated 28.07.2021. Thereafter, petitioner claims to have made another effort for resolution of disputes, however, upon its failure, petitioner sent a legal notice through its counsel dated 13.08.2021 to the respondents proposing the name of sole arbitrator to adjudicate upon the disputes between the parties. The respondents instead of accepting the name of proposed Sole Arbitrator, suggested the names of three Arbitrators vide their reply dated 28.08.2021.

4. Since parties have not been able to reach at a consensus, learned counsel for petitioner has therefore insisted upon for appointment of sole Arbitrator by this Court.

5. Learned counsel appearing on behalf of respondent has disputed the claims raised on behalf of petitioner, however, existence of Agreement dated

15.06.2019 and invocation of arbitration is not disputed.

6. Accordingly, the present petition is allowed and Mr. Justice (Retd.) Manmohan Singh is appointed sole Arbitrator to adjudicate the dispute between the parties.

7. The fees of the learned Arbitrator shall be according to Fourth Schedule of the Arbitration and Conciliation Act, 1996.

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

9. A copy of this order be sent to the learned Arbitrator for information.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 26, 2021

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