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

+ **O.M.P.(I) (COMM.) 68/2024**

DILSHAD KHAN

..... Petitioner

Through: Counsel(Appearance not given)

versus

GNCTD OF DELHI

..... Respondent

Through: Mr. Anupam Srivastava, ASC for the
State with Mr. Abhilash Mathur, Ms.
Anushka Bhatnagar and Mr. Pawan
Kumar, Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **20.03.2024**

I.A. 4920/2024(for exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. Petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed on behalf of the petitioner wherein interim relief has been sought to direct the respondents not to initiate any coercive action against the petitioner for wrongful encashment of bank guarantee amounting to Rs.22,24,542/- till the adjudication of disputes, not to cover the illegal and unilateral recoveries amounting to Rs.1,04,46,097/- and to direct the petitioner not to deposit Rs.56,16,816.
4. After some submissions, both the parties agree that since the Notice has already been served and there is a valid Clause among the parties, this petition be treated as one under Section 11(6) of the Arbitration and Conciliation Act, 1996 and an Arbitrator be appointed.
5. **Submissions heard**



6. Considering the submissions made, Mr. Justice D.K. Jain, Judge (Retd.) Supreme Court of India, Mobile No. 9999922288, is hereby appointed as the Arbitrator, to adjudicate the disputes between the parties.
7. The parties are at liberty to raise their respective objections before the Arbitrator.
8. The fees of the learned Arbitrator would be fixed in accordance with the IV Schedule to the Act, 1996 or as consented by the parties.
9. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of A&C Act, 1996 and not being ineligible under Section 12(5) of the A&C Act, 1996.
10. Learned counsels for the parties are directed to contact the learned Arbitrator within one week of being communicated a copy of this Order to them by the Registry of this Court.
11. In the interim, the orders direct the respondent not to take any coercive action for one month or till an application is filed on behalf of the petitioner, whichever is earlier.
12. However, it is made clear that a show cause notice has already been served by the petitioner to which a reply has been made. The respondent shall be free to proceed in accordance with terms of the Order.
13. The petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 20, 2024/PT