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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 149/2024**
VELOCITY LANDMARK DEVELOPERS LLP Petitioner

Through: Mr. Harkirat Sawhney and Mr. Rati
Coshic, Advocates.

versus

MS SABS AND ASSOCIATES Respondent

Through: Mr. Vivek Kohli, Sr. Advocate with
Ms. Neetika Bajaj, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

14.05.2024

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At the outset, Mr. Vivek Kohli, learned senior counsel appearing for the respondent on advance copy, submits that the respondent has already invoked arbitration; and that in response to that invocation, the petitioner has not opposed reference of disputes to arbitration, except that they have not agreed to the name of the arbitrator proposed by the respondent.

2. Mr. Harikirat Sawhney, learned counsel appearing for the petitioner agrees with the submission made; and states that the disputes between the parties be referred to arbitration.
3. Furthermore, as suggested by Mr. Kohli, Mr. Sawhney is also agreeable to the present petition under section 9 of the Arbitration & Conciliation Act 1996 ('A&C Act') being referred to the arbitrator straightway as an application under section 17 of the A&C Act.



4. Learned counsel for the parties have suggested the name of Hon'ble Mr. Justice M.L. Mehta, former Judge of this court for appointment as the learned Sole Arbitrator for adjudication of their disputes.
5. In view of the above, the present petition is disposed-of appointing **Hon'ble Mr. Justice M.L. Mehta, former Judge of this Court (Cellphone No.: +91 9910384620)** as the learned Sole Arbitrator to adjudicate upon the disputes between the parties.
6. The learned Sole Arbitrator would furnish to the parties requisite disclosures as required under section 12 of the A&C Act; and in the event there is any impediment to the appointment on that count, the parties are given liberty to file an appropriate application in this court.
7. The learned Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A&C Act; or as may otherwise be agreed to between the parties and the learned Arbitrator.
8. Parties shall share the arbitrator's fee and arbitral costs, equally.
9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
10. Parties are directed to approach the learned Arbitrator appointed within 01 week.
11. Furthermore, the petitioner is permitted to place the present petition as an application under section 17 of the A&C Act before the learned Arbitrator within 02 weeks; which the learned Arbitrator may decide in accordance with law.
12. A copy of this order be communicated by the Registry *via* e-mail to the learned Sole Arbitrator, as also to learned counsel for the parties.



13. The petition stands disposed-of in the above terms.
14. Other pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 14, 2024/V.Rawat