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

+ **ARB.P. 1002/2024**

MEENA RASTOGI THROUGH LR

.....Petitioner

Through: Mr. Rahul Gupta, Mr. Arav Kapoor, Mr. Raghvendra & Mr. Mridul Vats, Advocates.

versus

ASIAN HOTELS NORTH LIMITED

.....Respondent

Through: Mr. Saurabh Kirpal, Senior Advocate with Ms. Aakanksha Kaul, Mr. Aman Sahani, Mr. Satya Sabharwal, Ms. Rhea B. & Mr. Akash Saxena, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.07.2024

I.A. 32950/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 1002/2024

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], has been filed by the petitioner seeking appointment of an arbitrator to adjudicate disputes between the parties arising out of agreements dated 16.04.1990 and 24.06.1992.

2. Clause 12, in each of the aforesaid agreements, contains an arbitration clause which provides for resolution of disputes by arbitration.



Courts in New Delhi have been vested with jurisdiction under the agreements.

3. Disputes having arisen between the parties, arbitration was invoked by communication dated 04.04.2024, to which the respondent replied on 23.04.2024. Prior to invocation of arbitration, the disputes between the parties were agitated by way of a civil suit. Suffice it to say that the suit was ultimately dismissed on the application of the respondent, under Section 8 of the Act, by judgment dated 20.12.2023.

4. As the parties have been unable to arrive at a consensus as to the arbitrator, the petitioner has filed this petition under Section 11 of the Act.

5. Mr. Saurabh Kirpal, learned Senior Counsel, appears on behalf of the respondent and states that he has no objection to appointment of an arbitrator in these proceedings.

6. Learned counsel for the parties also submit that similar disputes between the respondent and persons similarly placed to the petitioner, are pending arbitration before Hon'ble Mr. Justice V. Ramasubramanian, former Judge, Supreme Court of India.

7. At joint request of parties, the petition is disposed of, appointing Hon'ble Mr. Justice V. Ramasubramanian as the arbitrator to adjudicate disputes between the parties under agreements dated 16.04.1990 and 24.06.1992.

8. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

9. Copy of one of the reference orders passed in a connected matter by this Court [order dated 12.05.2023 in O.M.P.(T)(COMM) 39/2023]



has been placed before the Court. As directed in the said order, the fees of the learned Arbitrator will be computed in terms of the Rules of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 [“DIAC”], although the arbitration is an *ad hoc* arbitration.

10. The petition stands disposed of.

PRATEEK JALAN, J

JULY 11, 2024

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