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

+ **ARB.P. 1422/2024**

NITIN MAHAJAN

.....Petitioner

Through: Mr. Vaibhav Sinha, Advocate.

versus

SHASHI KUMAR MAHAJAN & ANR.

.....Respondents

Through: Ms. Parul Ghosh and Mr. Ishu Arora,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.10.2024

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1. The present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('A&C Act') has been filed by the Petitioner seeking appointment of an independent sole arbitrator to adjudicate the disputes between the parties.
2. The facts of the case reveal that the Petitioner and the Respondent No.2 are the sons of Respondent No.1. It is stated that the Petitioner herein advanced financial help to the Respondent No.2 on the condition that the amount given by the Petitioner to the Respondent No.2 as a loan would be taken/collected as part of the share of Respondent No.2 in D-65, Kirti Nagar, New Delhi – 110015. Various Agreements to this effect were entered into between the parties at the time of advancing financial assistance.
3. It is stated that disputes have arisen between the parties regarding non-payment of money. It is stated that the Petitioner herein invoked the



Arbitration Clause which provides for arbitration for adjudication of the disputes between the parties.

4. It is stated that the Petitioner herein sent a notice dated 23.12.2023 to the Respondent invoking the Arbitration Clause. Since the Respondents have objected to the Arbitration Clause, the Petitioner has approached this Court by filing the present Petition.

5. In view of the fact that disputes have arisen between the Parties and there is an arbitration clause, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.

6. Accordingly, Mr. Siddharth Sharma (Adv.) (Mob. No. 7400111111) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The learned arbitrator shall be entitled to fees as per the Schedule of Fees mentioned under the A&C Act.

8. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the A&C Act within a week of entering on reference.

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. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

11. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

OCTOBER 29, 2024

Rahul