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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ O.M.P. (T) (COMM.) 103/2022

VIJAY DHALLA

..... Petitioner

Through: Mr.Akhil Goyal, Advocate
Ms.Amita Gupta and
Ms.BhawnaBhati, Advts.

versus

M/S PRATEEK REALTORS INDIA PVT LTD Respondent

Through: Mr.Sudeep Singh,Mr.Akul
Mehandru and Mr.VaibhavMehal,
Advts.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

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O R D E R
31.01.2024

The hearing has been conducted through **hybrid** mode (physical and virtual hearing).

The present petition has been filed under Sections 14 & 15 of the Arbitration and Conciliation Act, 1996 seeking appointment of an independent arbitrator. The petitioner states that the sole arbitrator Ms.Pooja Dewan, Advocate has withdrawn herself from the arbitration and therefore another arbitrator is required to be appointed. Learned counsel for the respondent submits that though he has no objection to the appointment of an independent arbitrator, however, the present petition under Sections 14 & 15 is not maintainable and that earlier the arbitrator was appointed unilaterally by the petitioner.

With the consent of the parties, the present petition is converted into a petition under Section 11. Since the agreement containing arbitration clause



is not disputed and both the parties have consented to the reference to the arbitral tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said agreement are referred to the arbitral tribunal.
- ii) As agreed by both the counsels for the parties, Mr.Kushank Sindhu, Advocate, Enrl.No.D/4493/2014 (Mobile No.7065488258) is appointed as an Arbitrator to adjudicate the disputes between the parties.
- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the A&C Act or as the parties may agree.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned arbitrator within two weeks from today.

The petition is disposed of in the above terms.

DINESH KUMAR SHARMA, J
JANUARY 31, 2024/rb.