

Bijenderi Devi & Another vs.adel Landmarks Limited

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SooperKanoon Citation : sooperkanoon.com/1209718

Court : Delhi

Decided On : Oct-13-2017

Appellant : Bijenderi Devi & Another

Respondent : Adel Landmarks Limited

Judgement :

\$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

13. 10.2017 ARB. P.320/2017 BIJENDERI DEVI & ANOTHER versus ADEL LANDMARKS LIMITED Advocates who appeared in this case:

... Petitioner

s ..Respondent For the

... Petitioner

For the Respondent : Mr Arvind Chaudhary and Ms Asha Chaudhary : Mr Manoj Kumar Singh, Mr Rahul Pandey and Mr Gyanendra Kumar. Mr Abhishek Sarkar, Advocate. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT1310.2017
SANJEEV SACHDEVA, J.

(ORAL) 1. The petitioners have filed this petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the Act) seeking

appointment of an independent Arbitrator.

2. The petitioners had booked one residential plot, which was in a residential Complex developed by the respondent. ARB.P.320/2017 Page 1 of 3 3. As per the petitioners, since the respondent was not developing the said plot, disputes arose and petitioners have invoked arbitration.

4. The parties had entered into Buyers Agreement dated 04.03.2013. The Arbitration Clause, as agreed to by the parties, is as under:-

"That all disputes arising out of this Agreement between the parties shall be adjudicated by Sole Arbitrator in accordance with the Arbitration and Conciliation Act, 1996. The Managing Director of the Developer shall appoint the Sole Arbitrator whose decision shall be final and binding. The venue of the arbitration shall be Delhi. Learned counsel for the respondent submits that he has no 5. objection to the appointment of a Sole Independent Arbitrator.

6. Accordingly, with the consent of parties, Ms. Shalini Kapoor Advocate (Mobile # 9810160155) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act of not being ineligible under Section 12(5) of the Act.

7. The fee of the Arbitrator shall be in terms of the Fourth Schedule of the Act.

8. The Arbitrator shall adjudicate the claims of the petitioner and the counter claims, if any of the respondent. ARB.P.320/2017 Page 2 of 3 9. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.

10. The petition is accordingly disposed of.

11. Order Dasti under signatures of the Court Master. OCTOBER13 2017/Sn SANJEEV SACHDEVA, J ARB.P.320/2017 Page 3 of 3