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

+ **ARB. A. (COMM.) 2/2018**

SUNINDER SANDHA & ORS.

..... Appellants

Through Mr.Arvind K. Nigam, Sr. Adv. with
Mr.D.N.Goburdhan, Mr.Ankur
Mahindro, Mr.Jatin Sehgal,
Mr.Harish Malih, Ms.Devna Soni,
Mr.Adhirath Singh and Mr.Viren
Bansal, Advs.

versus

CONCEPT HORIZON INFRA PVT LTD & ORS. Respondents

Through Mr.Rajiv Nayyar, Mr.Sidharth Luthra
and Mr.Darpan Wadhwa, Senior
Advocates with Mr.Nikhil Singhvi,
Mr.Abhimanyu Bhandari,
Ms.Sharadha Deshmukh, Ms.Nikita
Pandey and Ms.Kanak Bose, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **17.01.2018**

IA No.746/2018 (Exemption)

Allowed, subject to all just exceptions.

ARB. A. (COMM.) 2/2018 & I.A. No.745/2018 (stay)

Learned senior counsel for the petitioner submits that the petitioner unconditionally withdraws all allegations against the Sole Arbitrator and the counsel who was appearing in the arbitration proceedings.

With the consent of the parties, the impugned order dated 25.09.2017 passed by the Sole Arbitrator in the arbitration proceedings between

Concept Horizon Infra Pvt Ltd. & Ors. v. Suninder Sandha & Ors. is set aside. It is further agreed that, as the bank accounts of the appellants stand frozen in separate proceedings, the matter of interim protection shall be considered by the newly appointed Arbitrator on an application under Section 17 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act'), which has been decided by the impugned order passed by the erstwhile Sole Arbitrator. While the said application is pending adjudication, in case there is an order passed by the competent Court for de-freezing the bank accounts, the amount in the credit of those bank accounts shall be put in a fixed deposit so as to earn interest during the pendency of the application under Section 17 of the Act. The said deposit will abide by further directions passed by the newly appointed Arbitrator.

The present order will not prejudice either party in any proceedings and all the contentions will remain open before the Arbitrator and other forums.

With the consent of the parties, I hereby appoint Justice Vikramjit Sen (Retd. Judge of Supreme Court), office at B-104, 2nd Floor, Western Avenue, Maharani Bagh, New Delhi-110065, Mob. No.8447333366, as a Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The Arbitrator shall take up the proceedings from the stage they were at prior to the impugned order dated 25.09.2017. He would first decide the pending application under Section 17 of the Act which shall stand restored.

Sole Arbitrator shall also endeavour to conduct the first hearing of the proceedings within a period of two weeks from the date of receipt of this order.

The Arbitrator would endeavour to decide the application under Section 17 of the Act within a period of next two months from the date the present order is communicated to him.

The Arbitrator before entering into reference shall give to the parties his disclosure in terms of Section 12 of the Act.

The petition and pending applications are disposed of in the above terms.

Dasti.

NAVIN CHAWLA, J

JANUARY 17, 2018/Arya