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

+ **ARB.P. 4/2016**

**ASHOK KUMAR** ..... Petitioner

Through: Mr. Atul Parmar, Adv.

versus

**EARTH INFRASTRUCTURES LTD.** ..... Respondent

Through: Mr. (appearance not given), Adv.

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **11.01.2016**

**I.A. No.156-157/2016**

Allowed, subject to just exceptions.

**ARB.P. 4/2016**

1. The petitioner is seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act.
2. There is a valid arbitration agreement between the parties contained in clause no.62 of the application form placed on record by the petitioner as Annexure D. The petitioner invoked the arbitration vide notice dated 19<sup>th</sup> September, 2015, whereupon the respondent vide reply dated 17<sup>th</sup> November, 2015 appointed Mr. Bhanu Kathpalia, Advocate as sole arbitrator to adjudicate the disputes between the parties.
3. Learned counsel for the petitioner submits that the respondent has not given address of the sole arbitrator appointed by them and, therefore, the petitioner could not file the statement of claim before the sole arbitrator. Learned counsel however admits that the petitioner did not approach the respondent to seek particulars of the learned sole arbitrator.

4. In view of the appointment of the sole arbitrator by the respondent on 17<sup>th</sup> September, 2015, this petition is not maintainable and, is therefore, dismissed. The petitioner is at liberty to approach the respondent to collect particulars of the sole arbitrator and thereafter, file the statement of the claim.

**J.R. MIDHA, J.**

**JANUARY 11, 2016**  
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