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

+ ARB.P. 54/2016

MIND SHAPER TECHNOLOGIES PVT LTD. Petitioner
Through Ms.Ayushi Kiran, Adv.

versus

BAL BHARTI PUBLIC SCHOOL Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **26.05.2016**

Reply has not been filed despite of an opportunity granted to the respondent. Even today when the matter is taken up no one has appeared on behalf of the respondent.

The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

In view of the averments made in the petition and the documents placed on the record and after hearing learned counsel for the petitioner, it appears to the Court that there is a valid agreement dated 14th December, 2011 between the parties and it is a fit case where the disputes between the parties should be adjudicated by the sole Arbitrator. Before filing the petition, notice dated 1st May, 2015 was also issued by the petitioner to invoke the arbitration. Even, despite opportunity reply has not been filed by the respondent. Thus the prayer is liable to be allowed. The matter is referred to the Delhi International Arbitration Centre ('DAC') who will

appoint an Arbitrator in accordance with the provisions of the Act. The Arbitrator to adjudicate the disputes between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator.

The arbitration shall take place under the aegis of DAC. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator's Fees) Rules.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the petitioner and a copy thereof be delivered to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

MAY 26, 2016/vp