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

+ ARB.P. 93/2015

SIGMA SUPPLY CHAIN SOLUTION PVT. LTD.

..... Petitioner

Through Mr.Hemant Kaushik, Adv.

versus

S TEL PRIVATE LIMITED

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **30.08.2016**

Respondent has been served by way of publication. Copy of the newspaper has been filed. No one appears on behalf of the respondent when the matter is taken up. Under these circumstances, the respondent is proceeded *ex parte*.

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

The brief facts of the case are that the petitioner had entered into a written agreement dated 20th September, 2010 with respondent for providing services like Storage House Facility Management, Inventory Accuracy, Storage and Stacking of Stocks, Pick and Pack and Dispatch of Stocks as per invoice generated, Return Stock Management after the product reaches the Storage House as per defined policy and MIS reporting as per

formats/frequencies required by respondent.

It is stated in the petition that by letter dated 23rd February, 2012 the respondent had terminated the agreement dated 20th September, 2010 with petitioner w.e.f. 29th February, 2012. At the time of the termination of the said agreement there was an outstanding payment of Rs.37,04,681/- of pending invoices/bills against the respondent company, which it is liable to pay to petitioner along with the interest.

By demand notices dated 23rd March, 2012 and 17th May, 2013 the petitioner requested to release the payment, however, the respondent failed to make any payment to the petitioner and sent a reply dated 31st May, 2013.

Left with no option, the petitioner sent a notice dated 2nd September, 2014 calling upon the respondent to appoint an arbitrator in view of clause 23 of the agreement dated 20th September, 2010 between the parties however the respondent has failed to appoint any arbitrator. Therefore, the present petition has been filed.

In view of the averments made in the petition and documents placed on record, I am inclined to allow the present petition. Accordingly Mr.Neeraj Malhotra, Advocate (Mob. No.9811091991/9871199148), who is present in Court, is appointed as sole 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. Parties to appear before the Arbitrator on 16th September, 2016.

The arbitration proceedings shall take place in the High Court premises itself. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fee of the learned Arbitrator is fixed at

Rs.2 lac which shall be shared by both the parties in equal proportions. In case the respondent will not pay the amount, the petitioner will pay the same, subject to final adjustment of award amount.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator forthwith.

AUGUST 30, 2016/jk

MANMOHAN SINGH, J.