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

+ ARB.P. 157/2015

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

versus

PRAGATI VIDYANIKETAN HIGH SCHOOL Respondent
Through None

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **09.05.2016**

Despite service, the respondent has not been appearing in the matter. Even today, when the matter is called, no one appears on behalf of the respondent. Reply has also not been filed. 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.

Learned counsel for the petitioner has referred the order dated 25th February, 2016 passed by this Court in Arb. P. No.53/2016 which was filed by the same petitioner. She submits that the facts of this petition are also the same, thus, the present matter be also referred to the Arbitration Centre for the purpose of appointment of an Arbitrator to adjudicate the disputes between the parties.

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 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 was also issued by the petitioner to invoke the arbitration. Even, despite of service, no one appears on behalf of 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 09, 2016/ka