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

+ **ARB.P. 408/2016**

MANEX INFRA PVT LTD

..... Petitioner

Through Ms Smita Bankoti and Mr Ashish
Sheoran, Advocates.

Versus

AVJ DEVELOPERS PVT. LTD & ANR.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.08.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereafter 'the Act') for appointment of the sole arbitrator. The notice in this application was issued on 18.07.2016 and the petitioner has filed an affidavit indicating that the notices were served on the respondents on 26.07.2016.

2. It is the petitioner's case is that it had entered into a contract with the respondents for construction of two towers of the proposed multi story residential complex on Plot No. GH 12/2, Sector-Zeta-1, Greater NOIDA-UP. It is stated that there were some changes in the towers to be constructed and a fresh contract was entered into between the parties in January, 2013

although it was ante-dated 24.01.2011. It is stated that certain disputes have arisen in respect of the said contract.

3. The said contract contained an arbitration clause which reads as under:-

"Arbitration & Jurisdiction:

In case of any dispute, Company will appoint a sole arbitrator and the decision of the arbitrator will be final & abiding on both the parties and the expenses of such arbitrator will be borne by the contractor subject to Delhi Jurisdiction.

The Terms & Conditions stipulated above have been mutually agreed upon. This work order is being issued in duplicate. Please Sign and return one copy of this work order as token of your acceptance."

4. The petitioner issued a notice dated 30.03.2016 invoking the aforementioned arbitration clause. However, the petitioner has not received any response thereto.

5. Accordingly, Mr Kamlesh Kumar, ADJ (Retired) (Mobile No. 9971208844) is appointed as a Sole Arbitrator for resolution of the disputes between the parties. The parties would be at liberty to file claims/counterclaims before the Arbitrator. The fee of the Arbitrator is fixed in accordance with Schedule IV of the Act.

6. All contentions of the parties relating to the disputes including as to the claims being barred by limitation are open. The parties would be at liberty to approach the Arbitrator for fixing a preliminary hearing. The Registry is directed to communicate a copy of this order to the Arbitrator.

7. The petition is disposed of.

VIBHU BAKHRU, J

AUGUST 26, 2016

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