

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

18.

+

ARB.P. 453/2016

TATA TELESRVICES LIMITED

..... Petitioner

Through: Ms. Shalini Sati Prasad, Ms. Sumedha
Sharma, Advocates

versus

GAURAV PRATAP SINGH SISODIA

..... Respondent

Through: None.

CORAM: JUSTICE S.MURALIDHAR

ORDER

%

02.11.2016

1. The report of the postal authority of service of notice through speed post is that the packet was 'refused by the addressee'.
2. None appears for the Respondent. The Respondent is taken to have been served and is proceeded *ex parte*.
3. The averments in the petition regarding the existence of an arbitration clause in the agreement between the parties and its being invoked by the Petitioner by sending a legal notice remain uncontroverted.
4. The Court, accordingly, proposes that Mr. Shishir Pinaki, Advocate (Mobile No.9811528408) be appointed as an Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. In

the first instance, the proposed Arbitrator will make a disclosure in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter, enter upon reference. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions. The learned Arbitrator shall fix his own terms and communicate them to the parties. Since the Respondent has been proceeded *ex parte*, the Arbitrator will proceed in the matter after ensuring service of summons upon the Respondent. The venue of the arbitration shall be fixed by the Petitioner and shall be intimated to the Arbitrator one week in advance. The Petitioner will appear before the learned Arbitrator at the said venue on 5th December, 2016 at 4 pm, or some other convenient date or time convenient to the proposed Arbitrator which will be communicated by him to the Petitioner at least ten days in advance.

5. The petition is disposed of in the above terms.

S.MURALIDHAR, J

NOVEMBER 02, 2016

mg