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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 589/2016

BARISTA COFFEE COMPANY LIMITED Petitioner
Through: Mr. Mayank Mehandru, Advocate.

versus

RELIANCE MEDIA WORKS LIMITED Respondent
Through: None.

CORAM: JUSTICE S.MURALIDHAR

ORDER

08.11.2016

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking the appointment of an Arbitrator for adjudication of disputes between the parties arising out of the Agreement dated 1st July 2011 entered into between them.

2. Despite second call none appears for the Respondent. The Respondent is proceeded *ex parte*.

3. The averments made in the petition to the existence of an arbitration clause and the notice 31st March 2016 to the Respondent invoking the arbitration clause remains uncontroverted.

4. The Court, accordingly, proposes that Mr. Rajeev Sharma, Advocate (Mobile No.9810104886) be appointed as sole Arbitrator to adjudicate the

disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. 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. Considering that the Respondent is proceeded *ex parte*, the learned Arbitrator shall proceed after service of notice upon the Respondent.

5. Subject to compliance with the above direction, Mr. Rajeev Sharma will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

6. The petition is disposed of. A copy of this order be communicated to the Mr. Rajeev Sharma as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

NOVEMBER 08, 2016

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