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

+ **ARB.P. 646/2016**

JITIN BHASIN

..... Petitioner

Through: Mr. Vishwadeep Singh Dahiya,
Advocate

versus

MSX MALL PRIVATE LTD.

..... Respondent

Through: None

CORAM: JUSTICE S.MURALIDHAR

ORDER

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08.12.2016

1. Affidavit of *dasti* service is filed stating that the Respondent has been served at the given address.

2. None appears for the Respondent. The Respondent is, accordingly, proceeded *ex parte*.

3. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('Act') filed by the Petitioner, Jitin Bhasin, seeking the appointment of an Arbitrator to adjudicate the disputes between the Petitioner and the Respondent, MSX Mall Private Ltd. arising out of an agreement dated 12th November, 2012. The agreement contains an arbitration clause. The Petitioner has already invoked the arbitration clause by sending a legal notice dated 15th July, 2016 naming the Arbitrator. The Respondent has not responded to the said legal notice.

4. With the averments in the petition being uncontested, this Court, accordingly, proposes Mr. J C Seth, Advocate (Mobile No.9810555855) 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'). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

5. 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

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

S. MURALIDHAR, J

DECEMBER 08, 2016
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