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

+ **ARB.P. 611/2016**

ONE PLUS

..... Petitioner

Through: Mr Manish Makhija, Advocate.

versus

S.BALVINDER SINGH

..... Respondent

Through: Mr Rishi K. Awasthi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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29.09.2016

IA No. 12139/2016

Allowed, subject to all just exceptions.

The application is disposed of.

ARB.P. 611/2016

1. The petitioner has filed the present petition under Section 11 (5) of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') for appointment of the sole arbitrator.
2. The learned counsel for the petitioner states that the parties had entered into a lease agreement dated 13.08.2015 and certain disputes have arisen in relation to the said agreement. Accordingly, the petitioner had sent a notice dated 4.7.2016 invoking the arbitration clause.
3. The learned counsel for the respondent who appears on advance notice does not dispute that the parties had entered into such an agreement or that there was an arbitration agreement between the parties. He, however,

states that there are no arbitral disputes between the parties. At this stage, it is not necessary to examine whether any substantial dispute exists between the parties.

4. Admittedly, the lease agreement contains an arbitration clause which reads as under:-

“All disputes and differences between the parties hereto regarding the interpretation, scope or effect of any of the terms and conditions herein contained or in any way touching or concerning shall be referred to a Sole Arbitrator appointed by mutual consent of Lessor and the Lessee and the same shall be deemed to be a reference within the meaning of the Arbitration and Conciliation Act, 1996 or any other statutory re-enactment or modification thereto for the time being in force. The Venue of such Arbitration shall be DELHI. The courts at DELHI shall have jurisdiction to entertain and try to actions suits and proceedings arising out of these.”

5. Accordingly, it is directed that a Sole Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The representatives of the parties shall appear before the Co-ordinator, DIAC on 20.10.2016 at 11:00 a.m. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

The petition is disposed of.

SEPTEMBER 29, 2016/pkv

VIBHU BAKHRU, J