

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

5.

+

ARB.P. 689/2016

PRIYA KUMAR & ANR.

..... Petitioners

Through: Ms. Sanjana Saddy, Advocate.

versus

MSX MALL PRIVATE LIMITED

..... Respondent

Through: None.

CORAM: JUSTICE S. MURALIDHAR

ORDER

%

21.12.2016

1. The tracking report attached to the affidavit of service shows that the Respondent has refused the service. They are also not appearing in the mediation proceedings where they were permitted to be served. In these circumstances, the Respondent is taken to have been served.
2. None appears for the Respondent despite service.
3. Accordingly, the Respondent is set *ex parte*.
4. Since the existence of arbitration agreement and its invocation by the Petitioner remain uncontroverted, this Court , accordingly, proposes Ms. Jyoti Singh, Senior Advocate (Mob.No.9810306949) as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims.

5. 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. 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. Subject to the compliance of the above directions the learned Arbitrator will proceed in the matter after service of notice on the Respondent.

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 21, 2016/dn