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

+ **ARB.P. 159/2017**

RELIANCE INFRATEL LTD. Petitioner
Through: Mr Rohit Jain, Advocate.

versus

KAMAL SINGH Respondent
Through: Mr Nitin Khanna, proxy counsel for
Mr Rajiv Hooda, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.04.2017**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the licence agreement dated 05.05.2007 read with Addendum dated 29.06.2012.

2. The licence agreement includes an arbitration clause which reads as under:-

“35. In the event of any dispute arising by and between the parties hereto, the same shall be amicably resolved by Conciliation, failing which, by Arbitration subject to the provisions of the Arbitration & Conciliation Act, 1996. The venue of the Arbitration shall be Delhi. All disputes shall be subject to the jurisdiction of Delhi courts.”

3. The respondent issued a legal notice dated 06.07.2015 calling upon the petitioner to pay a sum of ₹3,62,250/- along with interest at the rate of 18% per annum. Thereafter, the respondent invoked the arbitration clause by its letter dated 12.08.2016 indicating its intention to refer the disputes to Sh. Sunil Khanna, Advocate.

4. Thereafter, the respondent proceeded to unilaterally appoint the sole arbitrator without concurrence of the petitioner. It is apparent from the above that the arbitrator appointed has no authority to act as such and he could not have been unilaterally appointed by the respondent. It is also apparent that disputes have arisen between the parties which are required to be adjudicated by a sole arbitrator. Accordingly, the present petition is allowed and it is directed that an 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 06.05.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The petition is disposed of.

VIBHU BAKHRU, J

APRIL 10, 2017
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