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

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Judgment delivered on: 13.07.2017

+ ARB.P. 216/2017

PREXMA LTD

..... Petitioner

versus

SANJAY SONI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Nalin Tripathi and Ms. Sampa Sengupta Ray,
Adv.

For the Respondents : Mr. Abhishek Sharma, Adv.

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. By this petition under Section 11 (2) & (6) of the Arbitration & Conciliation Act, 1996, the petitioner seeks appointment of an independent Arbitrator to adjudicate the disputes between the parties.
2. For joint execution of the tender awarded by Madhya Pradesh State Tourism Corporation, the parties had entered into a MOU.
3. Disputes have arisen between the parties. Consequently, the petitioner has invoked the arbitration clause.

4. The arbitration clause contained in MOU dated 18.07.2014 reads as under:-

“Governing Law

This agreement shall be construed and governed by the laws of India and the parties hereby submit to the jurisdiction of Delhi Courts of Law. The parties will attempt to settle any disputes arising under or in relation to this agreement in good faith by discussion in a spirit of understanding and cooperation. All disputes or differences whatsoever arising between the parties regarding this agreement shall be settled by arbitration in accordance with the arbitration act of 1996 and the venue shall be New Delhi. The Arbitration Tribunal shall consist of a Sole-Arbitrator to be appointed with mutual understanding.”

5. Learned counsel for the respondent submits that, without prejudice to the defence of the respondent, he has no objection to the appointment of an independent Sole Arbitrator by this court to adjudicate the disputes between the parties.

6. Learned counsels for the parties have consented to the appointment of Mr. Padam Kant Saxena (Retd.), Addl. District Judge to be appointed as the Sole Arbitrator.

7. Accordingly, Mr. Padam Kant Saxena, former Addl. District Judge (Mobile No.9910384668) resident of Flat No. 261, Plot No. 5, Sector – 9, Dwarka Royal Residency, New Delhi is appointed as the Sole Arbitrator to adjudicate the disputes between the parties in relation to MOU dated 18.07.2014. This is subject to the Arbitrator

making the necessary disclosure under Section 12 of the Act not being ineligible under Section 12(5) of the Act.

8. The Arbitral Tribunal shall examine the claims of the petitioner and the counter claims, if any of the respondents.

9. The Arbitrator shall fix his fee in consultation with learned counsel for the parties.

10. The parties are at liberty to approach the learned Arbitrator for elucidating the necessary disclosures and for further proceedings.

11. The petition is accordingly disposed of.

12. Order *Dasti* under signatures of the Court Master.

JULY 13, 2017
'rs'

SANJEEV SACHDEVA, J