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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 192/2017**
SAROJINI DAHIYA Petitioner
Through: MMr.Avinash Trivedi, Adv.

versus

TODAY HOMES & INFRASTRUCTURE PVT. LTD. Respondent
Through: Mr.Sameer Rohtgi, Mr.Akshit Pradhan,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **23.10.2017**

This is a petition under section 11(6) of the Arbitration and Conciliation Act, 1996 filed by the petitioner, Sarojini Dahiya.

The parties had entered into an agreement to sell dated 27th November, 2013 with respect to Unit No.M-839 (FF), Florina Floors, Sector -51, Gurgaon, Haryana.

The agreement in clause 40 provides for dispute resolution through the mechanism of arbitration with the Sole Arbitrator being appointed by the respondent, M/s Today Homes and Infrastructure Pvt. Ltd.

Disputes having arisen, the petitioner vide legal notice dated 16th December, 2016 called upon the respondent to appoint the Sole Arbitrator. In spite of service of the above notice, the respondent failed to appoint an Arbitrator, forcing the petitioner to file the present petition before this Court.

Notice on the petition was issued to the respondent vide order dated 15th March, 2017. Thereafter, on joint request, the matter was adjourned to 16th May, 2017. On 18th July, 2017, the parties requested that the matter be referred to Delhi High Court Mediation and Conciliation Centre for exploring possibility of settlement through mediation. It has been reported that no settlement was arrived at and, therefore, the petition has to proceed.

Counsel for the respondent has no objection for appointment of an Arbitrator for adjudication of the disputes.

In view of the above and with no objection from the counsel for the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) for adjudication of the disputes arising between the parties under the agreement dated 27th November, 2013. The arbitration will be held in accordance with the procedure as prescribed by the DIAC Rules.

The petition is disposed of with no order as to costs.

The parties to appear before the DIAC on 9th November, 2017.

NAVIN CHAWLA, J

OCTOBER 23, 2017

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