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

+ **ARB.P. 270/2017**

NATURAL SUPPORT CONSULTANCY
SERVICES PVT.LTD

.... Petitioner

Through Mr. Ankit, Advocate.

versus

RICOH INDIA LIMITED

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.05.2017

1. Although the respondent has been served, none appears for the respondent.
2. The petitioner has filed the present petition under section 11 of the Arbitration and Conciliation Act, 1996 *inter alia* praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in connection with Master Teaming Agreement dated 20.01.2014.
3. The said agreement includes an arbitration clause, which reads as under:

“26. All disputes or differences whatsoever arising between the parties regarding this agreement shall be settled through arbitration in accordance with the provisions of The Arbitration and Conciliation Act 1996 and the venue shall be New Delhi. The Arbitration proceedings will be done in English only while the Arbitration proceedings will be conducted

by a Sole Arbitrator so to be appointed with the mutual consent of both of the Parties.”

4. It is stated that in view of the disputes that have been arisen between the parties, the petitioner invoked the arbitration clause on 13.05.2016 suggesting the name of the sole arbitrator and seeking the concurrence of the respondent for such appointment. In the alternative, petitioner also called upon the respondent to suggest a name of sole arbitrator, in case they did not concur with the arbitrator suggested by the petitioner. The respondent sent a letter dated 10.06.2016 in response to the petitioner's letter dated 13.05.2016 *inter alia* claiming that the petitioner had failed to disclose any disputes.

5. It is apparent from the above that the parties have been unable to appoint an arbitrator by mutual consent. Therefore, it is necessary that an arbitrator be appointed to adjudicate the disputes between the parties. Accordingly, Justice Sunita Gupta (Retired) (Mobile No. 9910384628) former Judge of this court is appointed as sole arbitrator to adjudicate the disputes between the parties. This is subject to the arbitrator making the necessary disclosure under section 12 of the Act and not being ineligible under section 12(5) of the Act. The arbitrator shall fix her fees in consultation with the parties. The parties are at liberty to approach the arbitrator for eliciting the necessary disclosure and for further proceedings.

6. The learned counsel for the petitioner shall also ensure that a copy of this order is communicated to the respondent by Speed Post as well as through an approved Courier.

7. The petition along with pending application stands disposed of.
8. A copy of this order be given *dasti* under the signatures of Court Master.

MAY 30, 2017
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VIBHU BAKHRU, J