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

+ ARB.P. 598/2016

M/S SMALL WORLD

..... Petitioner

Through: Ms Priyadarsi Acharya, Advocate.

versus

M/S BHASIN INFOTECH & INFRASTRURE
PVT LTD

..... Respondent

Through: Mr Himanshu Gupta, Ms Sadhna
Sharma and Mr Aman Madan,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.03.2017

1. 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 the allotment letter dated 04.06.2008.
2. The said allotment letter contains an arbitration clause, which is set out below:-

- “44.
- (a) The terms and conditions contained herein above shall be interpreted in a manner to be construed and enforced in accordance with the laws of India and conform to Public Policy and/or Fair Trade Practices.
 - (b) All or any disputes arising out of or touching upon or in relation to the terms of this provisional Allotment Letter including the interpretation and

validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion failing which the same shall be settled through arbitration.. The arbitration proceedings shall be governed by the Arbitration and Conciliation Act, 1996 or any statutory amendments/ modifications thereof for the time being in force. The arbitrator shall be appointed by the Company. The arbitration proceedings shall be held at an appropriate location in Delhi/ New Delhi. The Courts at Delhi alone shall have jurisdiction in all matters arising out of/ touching and/ or in connection to this letter.”

3. The petitioner had issued a legal notice dated 29.12.2015 invoking the arbitration clause. The learned counsel for the respondent does not dispute the allotment letter or the arbitration clause and fairly states that an Arbitrator be appointed. Accordingly, Mrs Lalit Mohini Bhatt, Advocate (Mobile No.9910155009) is appointed as an 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's fees shall be fixed in consultation with the counsel for the parties. The parties are at liberty to approach the Arbitrator for holding a preliminary hearing and commencing further proceedings.

4. The petition is disposed of.

VIBHU BAKHRU, J

MARCH 06, 2017
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