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

+ ARB.P. 423/2017

HOLISOL LOGISTICS PRIVATE LIMITED Petitioner
Through Ms.Avsi M.Sharma, Advocate

versus

THE AMERICAN SWAN LIFESTYLE COMPANY
PRIVATE LIMITED Respondent
Through Sh.Ravindra Gupta, R-2 in person

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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25.09.2017

1. Notice was issued to the respondents. As per note of the Registry. The petitioner have filed an affidavit of service showing that the respondents have refused to accept the notice which was sent by speed post. This is reflected from the tracking report filed along with affidavit of service by the petitioner. The respondent have hence been served.
2. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as 'the Act'*) seeking appointment of a sole arbitrator to adjudicate the disputes between the parties.
3. Some of the relevant facts are that the petitioner is a company engaged in the business of providing services relating to storage, warehousing, packing, supply chain management, supply chain consulting etc. The petitioner entered into a Service Agreement with respondent - The American Swan Lifestyle Company Pvt. Ltd. on 28.09.2014. In terms of the

said Service Agreement, the petitioner was required to provide supply chain management services as per Schedule-1 Scope of Work attached to the service agreement and to manage the warehouse provide by respondent No.1. The said warehouse was taken on rent by respondent No.1 vide lease deed 05.12.2014 from Sh.Ravinder Gupta and Ms.Savita Gupta.

4. Disputes having arisen between the parties, the notice invoking arbitral clause was issued on 30.03.2017 by the petitioner.

5. There exists an arbitration clause between the parties in the Service Agreement dated 28.09.2014. The said clause being arbitration clause No.11(2) states that in case of disputes between the parties, the same shall be resolved by a sole arbitrator mutually elected in accordance with the provisions of the Act in Delhi to adjudicate the disputes between the parties.

6. Accordingly, I appoint Mr.Bharat Bhushan, Retd. Additional District & Sessions Judge (House No.12, DDA Site No.1, New Rajinder Nagar, Behind Fire Station, Shankar Road, New Delhi, Mobile No.9899285640) as the sole arbitrator to adjudicate the dispute between the parties. The arbitration shall take place under the aegis of Delhi International Arbitration Centre, New Delhi (*in short 'The DIAC'*). A copy of this order be sent to the DIAC and to the learned arbitrator.

7. Petition stands disposed of as above.

JAYANT NATH, J.

SEPTEMBER 25, 2017/v