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

+ ARB.P. 765/2016

AJIT BIDANI

..... Petitioner

Through: Mr Avanish Kumar, Advocate.

versus

GRAND VENEZIA COMMERCIAL TOWER
PVT.LTD

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.02.2017**

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 respect of the Allotment Letter dated 08.04.2010.
2. The said Allotment Letter includes an arbitration clause which is set out below:-

“44. (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 & 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. In view of the disputes that have arisen between the parties the petitioner issued a notice dated 14.03.2016 invoking the arbitration clause and calling upon the respondent to appoint an Arbitrator in terms of Clause 44(b) of the Allotment Letter. It is stated that the petitioner has not received any response to the said letter.

4. In view of the above, an Arbitrator is required to be appointed to adjudicate the disputes between the parties. Accordingly, it is directed that an Arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). The parties shall appear before the Co-ordinator, DIAC on 03.03.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The petitioner is further directed to serve a copy of this order on the respondent. A copy of the order shall be sent by speed post as well as one of the approved couriers. The petitioner shall file an affidavit of service alongwith the postal and courier receipts in the arbitration proceedings.

6. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 15, 2017
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