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

+ **ARB.P. 30/2017**

VED PRAKASH GUPTA

..... Petitioner

Through: Mr Brajesh Kumar, Mr Ritik Malik
and Mr Debopriya Pal, Advocates.

versus

AMR INFRASTRUCTURE LTD. & ANR.

..... Respondents

Through: Mr Gaurav Bhattacharya, Advocate
for Mr Ajay Verma, Advocate for R-
1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.04.2017

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 petitioner and respondent no.1 in connection with the Memorandum of Understanding 10.05.2012 (MoU). The said MoU includes an arbitration clause, which reads as under:-

- “20. a) That any dispute in the interpretation of any clause of this MOU shall be referred to the sole arbitration of any Arbitrator to be nominated by the Developer whose decision shall be final and binding on both the parties. All the arbitration proceedings shall be carried out in terms of the Arbitration and Conciliation Act, 1996, at New Delhi.
- b) Two copies of the MOU have been prepared, one

to be retained by the Developer and other to be retained by the Allottee.

c) This MOU is executed at New Delhi and Courts in New Delhi alone will have the exclusive jurisdiction over this MOU to the exclusion of all other courts and MOU shall be set to and construed in accordance with the laws of India.”

2. The petitioner had invoked the arbitration clause by a letter dated 06.08.2016. However, an Arbitrator has not been appointed. The learned counsel for respondent no.1 states that he has no objection if an Arbitrator is appointed. It is seen that respondent no.2 is not a party to the MoU and, therefore, not bound by the arbitration agreement. It is, accordingly, directed that respondent no.2 be deleted from the array of parties.

3. In the circumstances, with the consent of the parties, it is directed that a Sole Arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). The parties shall appear before the Coordinator, DIAC on 01.05.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

4. The petition is disposed of.

VIBHU BAKHRU, J

APRIL 12, 2017
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