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

+ **ARB.P. 773/2016**

JONES LANG LASALLE PROPERTY CONSULTANTS (INDIA)

PVT. LTD

..... Petitioner

Through Mr. Rajiv Shukla and
Ms. Twisha Issar, Advocates

versus

I YOGI TECHNICAL SERVICES (P) LTD.

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.05.2017**

1. None appears for the respondent despite service. In the circumstances, the instant petition is being taken up in absence of any representation on behalf of the respondent.

2. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes between the parties which have arisen in relation to 'Facility Management Agreement' dated 24.12.2015. The said agreement includes an arbitration clause, which reads as under:-

"The arbitration tribunal shall consist of sole i.e. one arbitrator jointly appointed by the parties within fifteen (15) days from the date of first recommendation for an arbitrator in written form for a Party to the other. If the

Parties fail to agree on appointment of such arbitrator, each party shall appoint one (1) arbitrator each within a further/additional period of fifteen (15) days and the two (2) arbitrators so appointed shall be entitled to appoint the third arbitrator who will act as umpire of the arbitral tribunal within a further/additional period of fifteen (15) days."

3. In terms of the arbitration clause, the parties are required to jointly appoint an arbitrator, failing which each party is to appoint its own arbitrator and both such arbitrators would appoint the third arbitrator.

4. The petitioner, by a letter dated 14.06.2016, suggested the name of Mr. Rajat Shukla, Advocate to be appointed as an Arbitrator. In its response, the respondent disputed the claims made by the petitioner and also disagreed with the appointment of the arbitrator as suggested by the petitioner. The respondent also sought further time to suggest another arbitrator, however, the petitioner states that no further communication has been received from the respondent. Thus arbitrator(s) are required to be appointed.

5. It is seen that the petitioner's claims are not large and it is not feasible to appoint an arbitral tribunal of three members to consider the said claim. Accordingly, Ms Kanwal Inder, District and Sessions Judge (Retired), (Mobile No.9810125752) is appointed as an Arbitrator. This is subject to the Arbitrator making the necessary disclosure under Section 12(1) of the Act and not being ineligible under Section 12(5) of the Act. The parties are at liberty to approach the Arbitrator for eliciting necessary disclosure or further proceedings.

6. The petition is disposed of.

MAY 04, 2017

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VIBHU BAKHRU, J