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

+ **ARB.P. 17/2017**

SHRI AMIT KUMAR AGRAWAL

..... Petitioner

Through: Mr Chandra Shekhar and Mr Prashant
Shekhar, Advocates.

versus

BHASIN INFOTECH & INFRASTRUCTURE

PVT. LTD.

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.04.2017

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the provisional allotment letter dated 27.05.2008 allotting commercial space No.4-C, on the first floor in the Shopping Mall known as Grand Venezia situated at Plot No.SH-3, Site-IV, Industrial Area, Surajpur, Greater Noida, U.P. The said provisional 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 the 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 with this provisional allotment.”

2. The notice of the petition was directed to be issued on 09.01.2017. Although, the respondent has been served, none appears for the respondent today.
3. The petitioner has also pointed out that it had issued a notice dated 30.06.2016 calling upon the respondent to appoint an arbitrator for settlement of the disputes.
4. In view of the above, the arbitrator is required to be appointed to settle the disputes between the parties.
5. Accordingly, Mr S M Chopra, ADJ (Retired) (Mobile no: +91 9818314336) is appointed as the sole arbitrator to adjudicate the disputes between the parties 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 parties are at liberty to approach the arbitrator for fixing a preliminary hearing. The arbitrator shall also issue notice to the respondent before commencing further proceedings. The petitioner is also directed to serve a copy of the present order by speed post as well as by one of the approved couriers and submit the proof of such service to the arbitrator.
6. The petition stands disposed of.
7. Order *dasti* under signature of Court Master.

APRIL 10, 2017/RK

VIBHU BAKHRU, J