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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 494/2017**
IOT SPORTING ASPIRATIONS PVT. LTD.

..... Petitioner

Through Mr.Jatin Mongia, Adv.

versus

HOTFUT SPORTS INFRASTRUCTURE PVT. LTD.

..... Respondent

Through None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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05.12.2017

The present petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudication of the disputes that have arisen between the parties under the Memorandum of Understanding dated 10.10.2014. The said Memorandum of Understanding contained an arbitration agreement in form of Clause 7.7, which is reproduced herein below:

"This MOU shall be governed by and construed in accordance with the laws of India, and in case of any dispute between the parties, the same shall be submitted before a sole arbitrator mutually appointed by the parties. The arbitration proceedings shall be held at New Delhi and be conducted in English or Hindi."

The petitioner had sent a notice dated 19.06.2017 invoking the

arbitration clause. It also nominated Mr.Amit Sharma, Advocate as a Sole Arbitrator. This can only mean that it was proposing Mr.Amit Sharma as a Sole Arbitrator.

The respondent vide its letter dated 15.07.2017, did not deny the existence of arbitration agreement, however, had objection to Mr.Amit Sharma being appointed as a Sole Arbitrator. It also did not suggest the name of any person who could be appointed as a Sole Arbitrator.

As the parties could not agree on a common mutually acceptable arbitrator, present petition under Section 11 of the Act was filed before this Court.

Notice of this petition was issued to the respondent on 09.08.2017. Notice has been duly served on the respondent and affidavit of service in this regard has been filed by the petitioner. None appeared for the respondent on 30.10.2017 or even today. In that view of the matter, this Court finds no impediment for appointment of Sole Arbitrator for adjudication of the disputes between the parties.

At the request of learned counsel for the petitioner, the parties are referred to Delhi International Arbitration Centre (DIAC) who shall appoint a Sole Arbitrator, preferably an Advocate (keeping in mind the amount claimed by the petitioner). The arbitration and the fee shall be governed by the rules of the DIAC. The petitioner will communicate this order to the DIAC.

With the above directions, the petition is disposed of.

NAVIN CHAWLA, J

DECEMBER 05, 2017/vp