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

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Judgment delivered on: 20.09.2017

+ ARB.P. 496/2017

TUMUL JAIN

..... Petitioner

versus

RELIANCE INFRATEL LTD

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Vivekanand, Adv.

Respondents : Mr. Rohit Jain, Adv..

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

20.09.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner filed this petition under Section 11 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the Act) seeking appointment of a Sole Arbitrator.

2. The petitioner claims to be owner of the subject property, part of which was licenced to the respondent for installation of a Cellular and microwave antenna and other related equipments and silent generator etc.

3. License Agreement dated 07.11.2006 was executed between the

parties. The terms of the licence which was initially for a period of 5 years was extended for a further period of 5 years.

4. As per the petitioner the premises was sealed by the Municipal Corporation of Delhi.

5. Disputes have arisen between the parties emanating out of the licence agreement leading to the petitioner invoking the arbitration clause.

6. The arbitration clause as contained in the Licence Agreement reads as under: -

“34. In the event of any dispute arising by and between the parties hereto, the same shall be amicably resolved by Conciliation, failing which, by Arbitration subject to the provisions of the Arbitration & Conciliation Act, 1996. The venue of the Arbitration shall be Delhi. All disputes shall be subject to the jurisdiction of Delhi Courts”.

7. The petitioner has invoked the arbitration clause by letter dated 05.05.2016.

8. Learned counsel for the respondent submits that the respondent has no objection to the appointment of an Independent Sole Arbitrator.

9. Learned counsel for the parties submit that the Arbitrator may be appointed by Delhi International Arbitration Centre, Delhi High

Court and the proceedings be conducted under the aegis of Delhi International Arbitration Centre.

10. In view of the above, Arbitrator is directed to be appointed by Delhi International Arbitration Centre in accordance with its rules and the proceedings be conducted under the aegis of Delhi International Arbitration Centre.

11. The parties shall appear before the Coordinator, Delhi International Arbitration Centre on 10.10.2017 at 11.00 AM.

12. The petition is accordingly disposed of.

13. *Dasti* under signatures of Court Master.

SEPTEMBER 20, 2017

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SANJEEV SACHDEVA, J