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

+ ARB.P. 553/2017

S MOBILE DEVICES LIMITED Petitioner

Through: Mr. Rupesh Gupta, Advocate

versus

3RD DIMENSION ARCHITECTURE DESIGN
STUDIO

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.10.2017**

This petition is filed under Section 11 of the Arbitration & Conciliation Act, 1996 seeking appointment as a sole arbitrator. It is the case of the petitioner that an agreement was executed on 09.02.2016 to carry out the work of interior designs and decorations and civil work at the corporate office of the applicant, situated at Unit No. B-303, third floor, Tower B, Advant Navis Park, Sector 142, Noida.

It is the case of the petitioner that the respondents abandoned the work in-between. Disputes having been arisen between the parties, the petitioner invoked the arbitration Clause on 23.05.2017.

On 1.9.2017, notice was issued to the respondent, returnable for today. As per the office report, the respondent is served. The petitioner has also filed an affidavit of service. None has appeared for the respondent. The respondent is proceeded against *ex parte*.

Clause 'L' of the agreement dated 9.2.2016 between the parties states

that the disputes have been arise between the parties, the same shall be settled under the Arbitration & Conciliation Act. Clause 'L' also states that the agreement is subject to the jurisdiction of Courts situated at Noida, New Delhi, India.

The petitioner points out that that the phrase 'Noida' used in the agreement is a typographical mistake as the agreement was executed at Delhi as is evident from the stamp paper which is bought from Delhi and the respondent is also based in Delhi.

Accordingly, Mr.Sudhir Makkar, Sr.Advocate (Mobile No.9811082712) is appointed as the sole arbitrator to adjudicate the disputes between the parties. The learned arbitrator may fix his fee in consultation with the counsel for the parties. He shall also file the appropriate declaration under Section 12 of the Act. A copy of this order be sent to the leaned arbitrator.

The petition stands disposed of.

JAYANT NATH, J.

OCTOBER 13, 2017/P