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

+ **ARB.P. 611/2017**

CONSCIENT INFRASTRUCTURE PVT LTD Petitioner

Through: Mr. Sacchin Puri, Sr. Advocate with
Ms. Namitha Mathews, Ms. Poorva
Pant and Mr. Pulkit Malhotra,
Advocates

versus

TRILOK CHAUDHARY ALIAS TRILOK CHAND..... Respondent

Through: Mr. Prateek Chauhan, Advocate

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **20.12.2017**

The present petition has been filed by the petitioner (hereinafter referred to as the “Act”) under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of the disputes that have arisen between the parties in relation to the Agreement dated 6th March, 2013. The said Agreement contains an Arbitration Agreement in the form of Clause 14, which is quoted herein below:

“14) That in case of any dispute between the parties same shall be referred to the Arbitrator to be mutually appointed by both the Parties. The venue of arbitration shall be at New Delhi and the language shall be English. The parties shall bear equal cost of the arbitrator.”

The petitioner invoked the Arbitration Agreement vide his notice dated 28th December, 2016 and thereafter sent a reminder on 26th May, 2017. The respondent, however, failed to respond to either of these notices.

Upon issuance of notice by this Court the respondent has filed its reply primarily contending that the claim filed by the petitioner would be barred by Law of Limitation.

I am afraid that the above plea of the respondent cannot be considered by this Court in exercise of its power under Section 11 of the Act. Section 11(6-A) of the Act confines the scrutiny of this Court only to the aspect of existence of an Arbitration Agreement. The same being not denied by the respondent and even the invocation thereof having being not denied, I see no impediment in appointment of a sole Arbitrator for adjudication of the disputes that have arisen between the parties. It will be open to the respondent to raise all contentions, including one of Limitation before the Arbitrator.

I hereby appoint Ms. **Anita Sahni**, Advocate (Phone No. 9810113256) as a Sole Arbitrator for adjudication of the disputes that have arisen between the parties.

The Arbitrator would give to the parties the disclosure in terms of Section 12 of the Act before proceeding with the reference.

The petition is allowed in the above terms, with no order as to costs.

Dasti.

NAVIN CHAWLA, J

DECEMBER 20, 2017/Nk