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

+ **ARB.P. 637/2017**

VAYAM TECHNOLOGIES LTD

..... Petitioner

Through: Mr. Anish Agarwal, Mr. Shantanu
Sagar, Mr. Satyam Thareja, Mr
Sushant, Mr. Jeewesh Prakash, Advs

versus

**HEWLETT PACKARD FINANCIAL SERVICES (INDIA) PVT.
LTD.**

..... Respondent

Through: Mr. Vikas Mehta with Mr. B. Mithen
Rao, Advocates

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.12.2017

1. This petition under section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a sole arbitrator to adjudicate the disputes that have arisen between the parties in relation to the "Masters Rental and Financing Agreement" dated 20th July, 2012. (hereinafter referred to as the 'Agreement'). The learned counsel for the respondent submits that the respondent has no objection if Mr. Sukumar Pattajoshi, Senior Advocate is appointed as a sole arbitrator for adjudication of the disputes. The learned counsel for the petitioner also has no objection to such appointment.

2. In view of the above Mr. Sukumar Pattajoshi, Senior Advocate is hereby appointed as a sole arbitrator for adjudication of the disputes that have arisen between the parties in relation to the above mentioned Agreement. He shall make a disclosure to the parties in accordance with Section 12(1) of the Act.

3. Learned counsel for the petitioner further submits that Clause 25.1 of the Agreement provides that the costs of appointing the arbitrator and the cost of arbitration have to be borne only by the petitioner. He submits that the said term of the Agreement would be void in view of Section 31A(5) of the Act.

4. The learned counsel for the respondent submits that the respondent has no objection if it is directed that the costs of arbitration would be shared equally between the parties subject, of course, to the arbitrator deciding the issue of costs in accordance with the Act along with arbitral award and in accordance with the Act. It is directed accordingly.

5. The present petition is allowed in the above term with no order as to costs.

NAVIN CHAWLA, J

DECEMBER 07, 2017/Nk