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

+ ARB.P. 36/2018

GAURAV KUMAR

..... Petitioner

Through: Mr.Aashish Kumar Singh, Adv.

versus

EARTH INFRASTRUCTURES LTD.

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.07.2018

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 for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding dated 01.11.2013 executed between the parties. The said MOU contains an Arbitration Agreement in form of Clause 6 thereof, which is reproduced herein below:

“6. ARBITRATION AND JURISDICTION

“All or any disputes arising out of or touching upon or in relation to the terms of this MOU, including but not limited to interpretation or validity thereof, or any other dispute relating to the present MOU, whatsoever or as to the construction, meaning, effects of the present MOU, shall be referred to the sole Arbitrator to be nominated by the Company, whose decision shall be final and binding on both the parties. All the arbitration proceedings shall be carried

*out in terms of the Arbitration and Conciliation Act, 1996,
at New Delhi and in English language.”*

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide his notice dated 20.11.2017. Having received no response, the present petition was filed by the petitioner.

The respondent, in spite of service of notice, has not entered appearance.

As the existence of the Arbitration Agreement and the invocation thereof is not denied by the respondent, I do not see any impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned MOU.

I accordingly appoint Mr.Akshay Makhija, Advocate, (5, Lawyers Chamber, Block No.1, Delhi High Court, New Delhi, Mobile No.9810079901) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitrator shall give a disclosure statement in terms of Section 12 of the Act before proceeding with the reference.

The petition and the application are allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

JULY 25, 2018/Arya