

\$~28

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

+ ARB.P. 85/2018 & IA No. 1447/2018

PANKAJ ARORA

..... Petitioner

Through: Mr Rovin Kumar and Mr Pradeep  
Kasana, Advocates.

versus

AVV HOSPITALITY LLP & ORS.

..... Respondents

Through: Mr Baldev Raj, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **17.05.2018**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the MoU/agreement dated 28.09.2017 (hereafter 'the Agreement').
2. Undisputedly, the Agreement includes an arbitration clause. However, learned counsel appearing for the respondents states that the petitioner has not invoked the clause and has served no notice on the respondent for the said purpose. He further submits that if a notice had been served, the respondent would have made an endeavour to concur with the petitioner on appointment of mutually acceptable arbitrator.
3. It is seen that notice dated 30.11.2017 relied on by the petitioner does not purport to invoke the arbitration clause. In view of the above, the

present petition is disposed of with liberty to the petitioner to invoke the arbitration clause and approach this Court in the event the parties are unable to concur on appointment of a mutually acceptable arbitrator.

4. The pending application is disposed of.

**VIBHU BAKHRU, J**

**MAY 17, 2018**  
**MK**