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

+ **ARB.P. 135/2018**

INNOVISION LTD

..... Petitioner

Through: Mr. Chirag Jamwal and Mr. Ajit
Amar, Advs.

versus

DEENA DAYAL UPADHYAY HOSPITAL Respondent

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Deboshree Mukherjee, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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16.03.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the dispute between the parties in relation to the agreement dated 07.06.2016. The agreement contains an Arbitration Agreement in form of Clause 57 which is reproduced herein below:-

“That in case of any dispute between the First Party and the Second Party, the person appointed by Secretary (H&FW), Department of Health & Family Welfare, GNCT of Delhi shall be the arbitrator and cost of arbitration shall be borne by both parties equally.”

Disputes having arisen between the parties, the petitioner vide its letter dated 16.10.2017 requested the

Secretary (H&FW), Department of Health & Family Welfare to appoint a Sole Arbitrator in accordance with the arbitration agreement. Having received no response, the present petition was filed.

Notice on the present petition was issued to the respondent on 21.02.2018 and the respondent was granted time to file reply to the petition, if required. No reply has been filed by the respondent.

Counsel for the respondent does not deny existence of the arbitration agreement or the invocation thereof by the petitioner. It is also admitted that the Secretary (H&FW) did not appoint an arbitrator upon invocation of the arbitration agreement and request of the petitioner.

In view of the above, I see no impediment in appointing a Sole Arbitrator for adjudicating the dispute between the parties. I am informed that Mr. Narinder Paul Kaushik, Retired Additional District Judge (R/o 207, Judges Residential Complex, Karkardooma Courts, Delhi-110032, Mob:- 9910384663) has been nominated as an arbitrator in relation to two other agreements where disputes have arisen between the parties in the present petition and the arbitration proceedings are taking place under the aegis of the Delhi International Arbitration and Conciliation Centre (DIAC).

Accordingly, I find no impediment in appointment of a Sole Arbitrator. I propose to appoint Mr. Narinder

Paul Kaushik, Retired Additional District Judge as a sole arbitrator. The arbitration shall be conducted under the aegis of the DIAC and the procedure and fee shall be governed by the DIAC rules.

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

NAVIN CHAWLA, J

MARCH 16, 2018

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