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

+ **ARB.P. 161/2018**

MANMOHAN LAL ARORA

..... Petitioner

Through: Ms. Rita Rana with Mr. Vishwas
Ahuja, Advocates.

versus

AIRCEL LIMITED & ANR.

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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03.10.2018

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996. The petitioner seeks appointment of an Arbitrator in the matter. Notice in this petition was issued on 28.02.2018. However, the record of the Registry demonstrates that the service has been effected on the respondents.

2. The petitioner avers that it entered into an agreement dated 19.10.2008 with respondent No.1 for installation of Cellular cell and Microwave Antennae on the subject property. It is further averred that the tenure of the agreement is 20 years, commencing from 19.10.2008.

3. It is the petitioner's case that he is entitled to a monthly licence fee of Rs.12,000/- per month.

4. The petitioner avers that on 20.07.2010, he had received a communication from respondent No.1. Vide this communication, respondent

No.1 indicated that pursuant to the orders passed by the Madras High Court in respect of the business at hand, respondent No.2 was its successor in interest. Respondent No.1 conveyed to the petitioner that all obligations in the aforementioned licence including monthly rent would now be discharged by Respondent No.2.

5. The petitioner further avers that from 01.04.2017, Respondent No.2 stopped paying monthly licence fee to the petitioner. The petitioner raised this issue before Respondent No.2 by notice dated 01.12.2017. Vide this notice, the petitioner sought appointment of the Sole Arbitrator. However, since Respondent No.2 did not move in the matter, petitioner was constrained to move this Court. As already mentioned above, Respondent No.2/RITES, despite notice, has not entered appearance. However, what emerges from the record, which is essentially included in the details filed by the petitioner and the documents in support of the petition, is that Respondent No.2 is a successor in interest in respect of all obligations which were initially undertaken by Respondent No.1 under the aforementioned licence agreement; even according to the petitioner, the dispute with regard to the payment of licence fee is to be adjudicated as between the petitioner and Respondent No.2.

6. Given the facts and circumstances, respondent No.2 has chosen not to enter appearance. Since, the value of the claim is low. Mr. Tara Ganju (Mobile: 9810076224) is appointed in the matter as an Arbitrator. The learned Arbitrator will be paid a lump sum fee of Rs. 50,000/-.

7. The petition is disposed of in the above terms.

8. The Registry will dispatch a copy of the order to the learned

Arbitrator and Respondent No.2 as well.

9. It is made clear that the Arbitration will proceed only between the petitioner and the Respondent No.2.

OCTOBER 03, 2018

hs/Pallavi

RAJIV SHAKDHER, J

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