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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 331/2018

ARK INFOSOLUTIONS PVT. LTD.

..... Petitioner

Through: Mr.Dhruv Mishra, Adv.

versus

MR. NANDHA KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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10.09.2018

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding dated 09.06.2017 executed between the parties. The said Memorandum of Understanding contains an Arbitration Agreement in form of Clause 9 thereof, which is reproduced hereinunder:-

“9. In the event of any dispute or differences between the Parties in respect of this Agreement, the construction of any provision of this Agreement or the rights, duties or liabilities of the Parties hereto under this Agreement, the same shall be referred to arbitration by a sole arbitrator to be appointed by mutual written consent of both the Parties and the arbitration shall be conducted in accordance with the provisions of Arbitration and Conciliation Act, 1996. The venue of arbitration shall be New Delhi. The arbitration proceedings shall be conducted in English. Any award made in such arbitration will be final and binding on the parties. Subject to the foregoing, the Courts at New Delhi only shall have exclusive jurisdiction as and when the need would arise to seek the indulgence of the court in accordance

with the Arbitration and Conciliation Act, 1996. ”

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its letter dated 18.12.2017. Having received no response from the respondent, the present petition was filed.

Notice of this petition was issued to the respondent vide Order dated 03.05.2018. In spite of service of notice, none appeared for the respondent on 24.07.2018, 06.08.2018 and even today.

As the existence of the Arbitration Agreement and due invocation thereof remained uncontested, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Memorandum of Understanding.

I appoint **Mr.Saurabh Mishra**, Advocate (A-89, Lower Ground Floor, Defence Colony, New Delhi-110024, Mobile: 9810870425) as a Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the abovementioned Memorandum of Understanding. The Arbitrator shall give his disclosure under Section 12 of the Act before proceeding with the reference.

The petition is allowed in the above terms and with no order as to cost.

NAVIN CHAWLA, J

SEPTEMBER 10, 2018/rv