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

+ ARB.P. 310/2018

NITYA FACILITIES SERVICES PVT. LTD ..... Petitioner  
Through: Mr.Naman Gupta, Adv.

versus

PRO FACILITIES SERVICES PVT. LTD. & ORS. .... Respondents  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**  
% **12.10.2018**

1. 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 Agreement(s) for House Keeping and Lift Operation Services dated 30.04.2012 and 31.05.2013. The said Agreement(s) contain Arbitration Agreements in form of Clause 36 of the respective Agreement(s).
2. It is contended by the petitioner that all three Agreements constitute one single transaction inasmuch as the respondents have made a consolidated payment of Rs.50,000/- on 24.04.2015.
3. The disputes having arisen between the parties, the petitioner by a common notice dated 12.02.2018 invoked the Arbitration Agreement(s). Having failed to receive any response from the respondents, the present petition was filed.

4. Notice of this petition was issued to the respondents on 24.04.2018. The respondents entered appearance on 21.08.2018 and sought time to file reply. Neither reply has been filed nor anyone has appeared on behalf of the respondents in spite of a pass-over being granted today.

5. As the existence of the Arbitration Agreement(s) and the due invocation thereof by the petitioner are not denied by the respondents, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement(s).

6. As at this stage, it would not be possible to give a finding as to whether the three Agreements form part of the same transaction between the parties, the same Sole Arbitrator is being appointed separately for the three Agreements in question. Therefore, there will be three references before the Sole Arbitrator, subject to the respondents conceding that they all form part of a single transaction.

7. I appoint **Mr.Rishi Manchanda**, Advocate Chamber No.704, Block-III, Delhi High Court, New Delhi, Mobile-9911681178, as the Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreements. The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the references.

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

*Dasti.*

**NAVIN CHAWLA, J**

**OCTOBER 12, 2018/Arya**