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

+ **ARB.P. 371/2018**

IDEA CELLULAR LTD

..... Petitioner

Through: Mr. Manik Dogra, Mr. Pallav Pandey
& Ms. Aastha Lumba, Advocates

versus

PRIME INFRAPARK PRIVATE LIMITED

..... Respondent

Through: Mr. Umesh Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.05.2018**

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 between the parties in relation to the Sub-Licence Agreement dated 01.10.2012. The said Agreement includes the arbitration clause which is set out below:

"13. Arbitration

13.1 Any dispute or difference of any nature whatsoever, between the Sub-Licensor and Sub-Licensee under or relating to this Agreement shall be referred to an Arbitral Tribunal consisting of 3 arbitrators, one each to be appointed by the by Sub-Licensor & the Sub-Licensee and the third arbitrator shall be chosen by the two arbitrators so appointed who shall act as the presiding arbitrator.

13.2 The arbitration proceedings will be as per the Arbitration and Conciliation Act, 1996 or any statutory modification thereof. The Indian law shall be applicable for the arbitration. The award shall be final and binding on the Parties. The proceedings of Arbitration will be held only in Delhi.”

2. There is no dispute as to the existence of the arbitration clause and the same has been validly invoked. The learned counsel appearing for the parties state that instead of appointing a three members’ Tribunal, a sole Arbitrator may be appointed to adjudicate the dispute between the parties.

3. With the consent of the parties, Mr. B.B. Gupta, Senior Advocate is appointed as the sole arbitrator to adjudicate the dispute between the parties falling within the clause of arbitration. This is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under section 12(5) of the Act. The Arbitrator shall fix the arbitral fees in consultation with the learned counsel for the parties and having regard to the Fourth Schedule to the Act. The arbitration shall be conducted under aegis of the Delhi International Arbitration Centre (DIAC) and in accordance with its Rules.

4. The parties are directed to appear before Co-ordinator, DIAC on 07.06.2018 at 11:00 am.

5. The petition is disposed of.

VIBHU BAKHRU, J

MAY 31, 2018/tp