

\$~3

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

+ **ARB.P. 429/2018**

RAJNI SHARMA & ANR.

..... Petitioners

Through: Mr.Kapil Kumar & Ms.Navneet
Sharma, Advs.

versus

SUPERTECH LIMITED

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.08.2018**

This petition has been filed under Section 11(6) 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 Agreement/Allotment Letter dated 23.11.2012 executed between the parties in relation to the unit no. (R0230H1622/Flat # 1622), H (Tower) in residential project called Up Country situated at TS-1, Sector-17-A, Yamuna Expressway Industrial Development Authority-201303.

The Agreement contains an Arbitration Agreement in form of Clause 43 thereof which is reproduced hereinunder:-

“43. That all the disputes or disagreements arising out of in connections with or in relation to this allotment shall be mutually discussed and settled between the parties. However, the disputes which cannot be amicably settled shall be finally decided by arbitration and the sole arbitrator in such a case shall be appointed by the company. The arbitral proceedings shall take place as per the Indian Arbitration and Conciliation Act, 1996 or any amendment

thereof accordingly. The place of arbitration shall be at Delhi.”

Disputes having arisen between the parties, petitioner vide notice dated 02.04.2018 invoked the Arbitration Agreement. Having received no response from the respondent, the present petition was filed.

Notice on this petition was issued to the respondent on 31.05.2018. The petitioner has filed an affidavit of service contending that the respondent had been duly served through speed post and courier.

None appears for the respondent in spite of service of notice and a pass over being granted.

As the existence of the Arbitration Agreement and the due invocation of the same remain unchallenged, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Allotment Letter. I accordingly appoint Ms. Beenashaw Soni N., Advocate (Chamber No. 238, Lawyers Chamber, Delhi High Court, Mobile: 9810046611) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitrator shall give her disclosure statement 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.

Dasti.

NAVIN CHAWLA, J

AUGUST 03, 2018/rv