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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 496/2018

SH. PANKAJ TANDON

..... Petitioner

Through: Mr.Sumant, Mr.Rohit Singh, Mr.Rohit
Khurana, Ms.Stuti Mishra, Advs.

versus

SUNSHINE TRADETOWER PVT. LTD. & ORS. Respondents

Through: Mr.Dhruv Mohan, Mr.Birender Bikram,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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03.10.2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement for Allotment of Unit in Sunshine Business Park dated 19.10.2012 executed between the parties.
2. The said Agreement contains an Arbitration Agreement in form of Article 11.2 thereof.
3. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 17.05.2018. Respondent no.1 did not give any reply to this notice nor did it appoint an Arbitrator, however, respondent nos.2 and 3 gave reply refuting the claims of the petitioner.
4. Counsel for the petitioner very fairly submits that there is no

Arbitration Agreement between the petitioner and respondent nos.2 and 3 in their personal capacity. The Arbitration Agreement is between the petitioner and respondent no.1. They are, therefore, deleted from the array of parties.

5. As the existence of the Arbitration Agreement and due invocation thereof are not denied by respondent no.1, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the petitioner and respondent no.1 in relation to the abovementioned Agreement.

6. At the request of the counsels for the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC) which shall appoint a Sole Arbitrator for adjudicating the disputes between the parties. The arbitration proceedings and the fee shall be governed by the DIAC Rules. The parties shall appear before the DIAC on 23rd October, 2018 at 2.00 p.m.

7. The petition is disposed of in the above terms, with no order as to costs.

NAVIN CHAWLA, J

OCTOBER 03, 2018

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