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

+ **ARB.P. 335/2016**

N.S. ASSOCIATES PVT. LTD

..... Petitioner

Through: Mr. Nitin Yadav, Adv

versus

GURMON HOTEL PVT LTD

..... Respondent

Through: Mr. Saurabh Duggal, Adv

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.07.2018

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act'). Via this petition, the petitioner seeks appointment of an arbitrator. Notice for invoking arbitration dated 14.08.2015 was evidently served on the respondent.

2. It is the case of the respondent that it had replied to the notice invoking arbitration vide communication dated 29.08.2015, which, the petitioner chose not to place on record.

3. A perusal of the notice invoking arbitration shows that the petitioner suggested the name of a nominee Arbitrator though the arbitration agreement obtaining between the parties requires each party to appoint its nominee arbitrator, and the two arbitrators thereafter, are required to appoint the third Presiding Arbitrator.

4. Given the aforesaid circumstances obtaining in the matter, counsel for the parties agree that this Court should appoint an arbitrator

in the matter.

5. Accordingly, Mr. R.C. Chopra, former Judge, Delhi High Court is appointed as a sole Arbitrator. Furthermore, since, counsel for parties are agree that the arbitration proceedings will be governed by the rules and fee schedule prescribed by the Delhi International Arbitration Centre (DIAC). It is ordered accordingly.

6. The petition is closed in the aforesaid terms.

7. A copy of the order passed by this court shall be dispatched by the Registry to the DIAC as well as to the learned Arbitrator.

RAJIV SHAKDHER, J

JULY 18, 2018

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