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

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ARB.P. 499/2018

PANKAJ ARORA

..... Petitioner

Through: Mr.Sumit Sarna, Adv.

versus

AVV HOSPITALITY LLP & ORS.

..... Respondents

Through: Mr.Baldev Raj, Adv.

**CORAM:**

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

**ORDER**

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**16.10.2018**

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 an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding (MoU) dated 28.09.2017 executed between the parties. The said MoU contains an Arbitration Agreement in form of Clause 9 thereof.
2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement by way of notice dated 23.05.2018. I may note that prior to filing of the present petition, the petitioner had filed another petition under Section 11 of the Act being Arb.P. No.85/2018, which was dismissed as the petitioner had not invoked the Arbitration Agreement before filing of the said petition.
3. Counsel for the respondents submits that the respondents have filed their reply to the petition, however, the same is not on record. He fairly submits that in the reply, there is no dispute on the existence

of the Arbitration Agreement or the due invocation thereof.

4. In view of the above, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned MoU.

5. With the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC), where they shall appear on 30<sup>th</sup> October, 2018 at 2.00 PM.

6. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The arbitration proceedings and the fee of the Arbitrator shall be governed by the DIAC rules.

7. All submissions of the respondents shall remain open in the said arbitration proceedings.

8. The petition is disposed of with the above directions with no order as to costs.

**NAVIN CHAWLA, J**

**OCTOBER 16, 2018**  
**RN**