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

+ **ARB.P. 480/2018**

ASHISH MOHAN

..... Petitioner

Through: Mr.Ankit Jain, Mr.Ramya Kutty,
Mr.Bilal Anwar Khan, Advs.

versus

ANAND DIVINE DEVELOPERS PVT. LTD. & ANR.

..... Respondents

Through: Mr.Kartik Nayaar, Mr.Sarthak Malhotra,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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09.07.2018

IA 8732/2018

Exemption allowed subject to all just exceptions.

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This petition has been filed under Section 11 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 Memorandum of Understanding dated 14th July, 2014. The said MOU contains an Arbitration Agreement in form of clause 12, which is reproduced hereinunder:

“12. In the event of any difference or dispute between the parties hereto with respect to this Memorandum of Understanding, the same shall be referred to sole arbitrator mutually appointed by the parties in accordance with the provisions of the Arbitration and Conciliation Act, 1996 or any re-enactment or modification thereto. Such arbitration shall be

held in New Delhi. This Memorandum of Understanding is subject to the jurisdiction of the Courts of New Delhi.”

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide his notice dated 14th May, 2018.

Having received no response, the present petition has been filed.

Counsel for the respondents, who appears on an advance notice, submits that the respondents have no objection if a Sole Arbitrator is appointed to adjudicate the disputes that have arisen between the parties.

In view of the above, I see no impediment in appointing a Sole Arbitrator. I accordingly appoint **Mr.Dinesh Dayal**, Retired District Judge, R/o 9, Upper Bela Road, Civil Lines, Delhi-110054, Mobile-9810100200, as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding dated 14th July, 2014. The Sole Arbitrator shall give his disclosure statement under Section 12 of the Act before proceeding with the reference. All contentions of either parties shall remain open before the Arbitrator.

The petition is disposed of with the above directions.

Dasti.

NAVIN CHAWLA, J

JULY 09, 2018
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