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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 582/2018

AMIT MALHOTRA & ANR

..... Petitioners

Through: Mr.Rohit Sharma, Mr.Atul Agarwal
and Mr.Anshul Chowdhary, Advs.

versus

ALMOND INFRABUILD PVT. LTD.

..... Respondent

Through: Mr.Kartik Nayar and Mr.Sarthak
Malhotra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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15.10.2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioners seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding (MoU) dated 26.04.2014. The said MoU contains an Arbitration Agreement in form of Clause 12 thereof.
2. The disputes having arisen between the parties, the petitioners invoked the Arbitration Agreement vide their notice dated 12.05.2018. Having received no response, the present petition was filed.
3. Learned counsel for the respondent submits that the respondent has no objection if an Arbitrator is appointed for adjudicating the disputes that have arisen between the parties in relation to the abovementioned MoU, however, all pleas of the respondent be kept open to be taken before the Sole

Arbitrator.

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

5. I appoint, **Mr.Alakh Kumar, Advocate**, Chamber No.367, Lawyer's Chamber, Block-I, Delhi High Court, New Delhi, Mobile No. 9811063763 as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned MoU. The Arbitrator shall give disclosure under Section 12 of the Act before proceedings with the reference.

6. All the submissions of the respondent shall remain open to be contended before the Arbitrator so appointed.

7. The petition is allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

OCTOBER 15, 2018/Arya