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

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ARB.P. 671/2018

FORUM FOR MEDIA AND LITERATURE ..... Petitioner

Through: Mr.Rajshekhar Rao, Mr.Anandh  
Venkataramani, Adv.

versus

BENNETT, COLEMAN & COMPANY LIMITED ..... Respondent

Through: Mr.Kunal Tandon, Ms.Niti Jain, Adv.

**CORAM:**

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

**ORDER**

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**22.11.2018**

**IA 15835/2018**

This is an application seeking condonation of 19 days delay in filing the reply.

For the reasons stated in the application, the delay in filing reply is condoned. The application is allowed and the reply is taken on record.

**Arb.P. No.671/2018**

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 a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 07.03.2017 executed between the parties. The Arbitration Agreement is contained in Clause 22 of the said Agreement.

2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 11.06.2018.

Having failed to receive any response from the respondent, the present petition was filed.

3. Counsel for the respondent submits that the present petition is not maintainable inasmuch as the petitioner had not suggested any name of the Arbitrator in its notice invoking arbitration.

4. In my view, the same cannot denude the notice of its effect as an invocation of arbitration. Upon receipt of the notice, the parties could have met and decided on the Arbitrator to be appointed. Admittedly, the respondent chose to remain silent on receipt of this notice and therefore, cannot make a grievance of its own silence.

5. As I was appointing an Arbitrator, with the consent of the parties, the parties are referred to the Delhi International Arbitration Centre(DIAC), where they shall appear on 4<sup>th</sup> December, 2018 at 2.00 p.m.

6. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

7. The arbitration proceedings and the fee shall be governed by the DIAC Rules.

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

Dasti.

**NAVIN CHAWLA, J**

**NOVEMBER 22, 2018**  
**RN**