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

+ **ARB.P. 434/2017**

BARISTA COFFEE COMPANY LIMITED Petitioner

Through: Mr.Mayank Mehandru & Ms.Charu
Tandon, Advs.

versus

SRS CATERING SERVICES & ORS. Respondents

Through: Mr.Anand Jha, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.05.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner praying for appointment of a Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Letter of Intent dated 01.01.2010. The said Letter of Intent contains an Arbitration Agreement between the parties in form of Clause 22 thereof.

The petitioner claims that this agreement was executed between the petitioner on one hand and respondent nos. 2 and 3 on the other. This is denied by respondent no. 2 who claims that he has not signed the said Letter of Intent. There is a further controversy with respect to the original of the said Letter of Intent, both the parties claiming that it is in possession of the other.

The counsel for the petitioner submits that without prejudice to his rights and contentions, he would press the present petition only against

respondent nos. 1 and 3.

As the existence of the Arbitration Agreement has not been denied by respondent no. 3 and the Arbitration Agreement had been duly invoked by the petitioner vide its notice dated 20.12.2016, I see no impediment in appointing an Arbitrator for adjudicating the disputes that have arisen between petitioner and respondent nos. 1 and 3 in relation to the above Letter of Intent.

With the consent of the parties, the petitioner and respondent nos. 1 and 3 are directed to appear before Delhi International Arbitration Centre (hereinafter referred to as 'DIAC') on 16th May, 2018 at 2 p.m., which shall appoint a Sole Arbitrator. The arbitration and fee shall be governed by the DIAC rules.

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

Dasti.

NAVIN CHAWLA, J

MAY 04, 2018/rv