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

+ **ARB.P. 728/2018**

LAVA INTERNATIONAL LTD

..... Petitioner

Through: Mr.Nishant Datta & Mr.Sarvesh Rai,
Advts. with Mr.Vikash Sharma, AR.

versus

KAILASH SAVASIYA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **02.11.2018**

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 "Authorised Service Partner" Agreement (ASP) dated 20.09.2016 executed between the parties. The Arbitration Agreement is contained in the Agreement and is reproduced hereinbelow:-

***"Dispute Resolution:** Any difference or disputes arising out of this agreement shall be settled by an amicable effort by both parties to this Agreement. An attempt to arrive at a settlement shall be deemed to have failed as soon as one of the parties notifies the other party in writing, of the same. If any attempt at settlement has failed, the disputes shall be finally settled under the Rules of Arbitration of Indian Law. The place of arbitration shall be NEW DELHI."*

2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide letter dated 24.08.2018.
3. The petitioner had earlier filed a petition under Section 11 of the Act being Arb. P. 676/2018, however, as the same had been filed prior to expiry of thirty days period from the service of the notice, the same was allowed to be withdrawn vide order dated 12.09.2018 with liberty to file a fresh petition incase need so arises.
4. As no response to the notice invoking arbitration was received from the respondent, the present petition has been filed by the petitioner.
5. Notice of the present petition was issued to the respondent on 28.09.2018. The petitioner has filed an affidavit of service enclosing therewith a tracking report showing delivery of the notice on the respondent.
6. In spite of service of notice, none appears for the respondent.
7. As the existence of the Arbitration Agreement and due invocation thereof remain uncontested, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above mentioned Agreement.
8. I appoint **Ms.Mansi Bajaj**, Advocate (R/oA-13, Ground floor, Jangpura Extension, New Delhi-110014, Mobile-9818000003) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.

9. The petition is allowed in the above terms, with no order as to costs.

NAVIN CHAWLA, J

NOVEMBER 02, 2018/rv