

\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

ARB.P. 567/2017

AJIT SINGH

..... Petitioner

Through : Mr.Nitin Garg and Ms.Neha Garg,
Advocates.

versus

PNM SERVICES PVT. LTD.

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

07.02.2018

The petitioner filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred as 'the Act') for appointment of the arbitrator.

It is the case of the petitioner that the respondent was approached to take insurance policy, but instead the respondent issued the club membership receipt. On 26.02.2014, the petitioner issued two cheques of Rs.99,999/- each to respondent; on 05.03.2014 further two cheques of Rs.1.00 lac each was paid to respondent company; on 20.03.2014 the petitioner gave cheque of Rs.2.10 lac; on 25.03.2014 two cheques of Rs.2.00 lac and Rs.2.08 lac respectively were given; on 29.03.2014 again two cheques of Rs.75,000/- and Rs.25,000/- respectively were given; on 12.04.2014 another cheque of Rs.1.80 lac was given. Some disputes arose between the parties for issuance of insurance policies and after issuance of legal notice dated 14.07.2014 petitioner filed the Civil Suit No.469/2014 on 05.09.2014 before the learned District Judge, West District, Tis Hazari Courts, Delhi for

recovery. Upon the failure of respondent to file the written statement, its right was closed on 07.03.2015 by learned Trial Court. During the pendency, the respondent herein preferred an application under Section 8(1) of the Act on 18.04.2015 and learned Trial Court vide order dated 11.12.2015 allowed the said application and directed the respondent to appoint the sole arbitrator within 30 days thereafter. The respondent failed to appoint the arbitrator and hence the present petition filed by the petitioner.

Pursuant to the directions of this Court as contained in the order dated 25.10.2017, the respondent has been duly served through publication in "Statesman" dated 28.11.2017. However, none has appeared on behalf of the respondent.

The learned counsel for the petitioner has referred to the clause No.15 of the common proposal form which notes as under:-

"15. Any disputes answering out of this programe/package shall be decided by the sole arbitrator to be appointed by the PNM Services Private Limited. The place of arbitration shall be Delhi."

In view of the above facts and the order dated 11.12.2015 passed by the learned Trial Court in Civil Suit No.469/2014, Mr.Pradeep Kumar, Advocate (Mobile No.9810243924) is hereby appointed as an arbitrator to adjudicate upon the disputes between the parties. The proceedings be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and the fee shall be

paid as per the Fee Schedule of DIAC. Petitioner to appear before the co-ordinator of the Delhi High Court Arbitration and Conciliation Centre on 27.02.2018 at 12.00PM.

Petition stands disposed of.

YOGESH KHANNA, J

FEBRUARY 07, 2018

M