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

+ **ARB.P. 721/2017**

HANS HERBAL

..... Petitioner

Through: Mr Ayush Negi, Advocate.

versus

**OM FOODS PRODUCTS (A GRAM UDYOG
MANDAL)**

..... Respondent

Through: Ms Ambika Ray, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 26.02.2018

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the concerned parties in relation to a Memorandum of Understanding dated 25.04.2017 (hereafter 'the Agreement').

2. The Agreement contains an arbitration clause, which is set out below:-

“11. That both the Parties to this MOU undertakes and agrees that any dispute with regards to the terms and conditions under this MOU shall be resolved by the Sole Arbitrator as per the Arbitration and Conciliation Act and the venue for the arbitration will be exclusively Delhi for the dispute as and when the dispute of whatsoever nature will come before the Sole Arbitrator. The decision of the Sole Arbitrator shall be final and binding on both the parties.”

3. In view of the disputes that are stated to have arisen between the

parties, the petitioner sent a notice, which was served to the respondent on 06.10.2017.

4. The learned counsel appearing for the respondent states that the petitioner has already filed criminal complaint regarding the subject disputes; however, he has no objection, in case the arbitrator is appointed.

5. In view of the above, Dr T.R.Naval, Retired. ADJ, Delhi (Mobile No. 9910384662) is appointed as an Arbitrator to adjudicate the disputes that have arisen between the parties. The Arbitrator shall fix his fees in consultation with the learned counsel for the parties and having regard to the provisions of Schedule IV of the Act. This is subject to the arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act.

6. The parties shall be at liberty to approach the arbitrator for further proceedings.

7. The petition is disposed of.

FEBRUARY 26, 2018
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VIBHU BAKHRU, J