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

+ **ARB.P. 780/2017**

PRAMOD KUMAR SARKAR Petitioner

Through: Ms Reeta Choudhary, Advocate.

versus

SHRI ARVIND ANAND Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.04.2018**

1. The notices issued by this Court have not been served. However, the learned counsel appearing for the petitioner has filed an affidavit of service, which indicates that the deponent (the Court clerk of the petitioner's counsel) had visited the house of the respondent to serve the notice. It is stated that the respondent's wife (who is also stated to be his counsel) had taken the notice and after having read the same had refused to accept the notice. In this view, the service on the respondent is deemed to be complete.
2. 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 parties in connection with the "Rent Agreement" dated 21.07.2014 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which is set out below:-

"21. That whenever any dispute or difference will arise

between both the parties then the same shall be decided by an Arbitrator under the Indian Arbitration Act whose decision shall be final and binding on both the parties and could be made by the Rule of Court.”

3. The petitioner had also caused a notice dated 04.09.2017 invoking the arbitration clause to be served on the respondent. However, the parties have been unable to concur on appointment of an arbitrator. In view of the averments made in the petition, this Court is of the view that an Arbitral Tribunal is required to be constituted. Accordingly, Mr R. K. Sanghi, Advocate (Mobile No.9811040979) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties. 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.
4. The parties are at liberty to approach the arbitrator for further proceedings.
5. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

APRIL 04, 2018
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