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

+ ARB.P. 48/2019

VISTAR INTERIOR LLP

..... Petitioner

Through: Mr.Mohd. Jahannawaz Alam, Adv.

versus

INDIAN CITY PROPERTIES LTD.

..... Respondent

Through: Mr.Avinash Menon, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.02.2019

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 to adjudicate the disputes that have arisen between the parties in relation to the Agreement dated 26.06.2015 by which the respondent had awarded the work of Internal Finishing and Interior Works in its project namely Mohini Mansion at 163, S.P. Mukherjee Road, Kolkata to the petitioner. The said Agreement contains an Arbitration Agreement in form of Clause 51 thereof.

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 04.03.2017 suggesting the proposed name to be appointed as Sole Arbitrator.

The respondent in its reply dated 30.03.2017, while not agreeing with the name suggested by the petitioner, proposed another name for appointment as Arbitrator.

Since the parties could not arrive at a consensus on the name of the Arbitrator, the present petition was filed.

Learned counsel for the respondent submits that the respondent has no objection to the appointment of an Arbitrator.

As the existence of the Arbitration Agreement and due invocation thereof are not denied, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

I appoint **Justice S.N. Kapoor**, Retired Judge of this Court (A-503, Priyadarshni Apartment, Plot No.17, Patparganj, Delhi, Phone No. 011-22732792, Mob. 9873405595) as a Sole Arbitrator. The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.

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

Dasti.

NAVIN CHAWLA, J

FEBRUARY 25, 2019/Arya