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

+ **ARB.P. 111/2019**

ANAND NOWLAKHA

..... Petitioner

Through: Mr.Samrat Nigam, Mr.M R
Shamshad, Mr.Aditya Samaddar &
Ms.Sarah Haque, Advs.

versus

RAJEEV CHANANA & ORS.

..... Respondents

Through: Mr.D. Banerjee & Mrs. S. Banerjee,
Advs. for R-1.

Mr.Peeyosh Kalra, Mr.Sudhindra
Tripathi & Mr.L.S. Aimol, Advs. R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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12.03.2019

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 for adjudicating the disputes that have arisen between the parties in relation to the Collaboration Agreement dated 26.11.2014 executed between the parties. The said Agreement contains an Arbitration Agreement in form of Clause 50 thereof.

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide notice dated 25.09.2018. The respondent did not reply to the said notice because of which the petitioner filed the present petition. However, it is to be noted that respondent no. 1 by its reply dated 19.01.2018 to an earlier notice sent by the petitioner, while refusing to give consent to an Arbitrator proposed by the petitioner, had not disputed the existence of the Arbitration Agreement between the parties.

The learned counsel for respondent no. 1 submits that the respondent no. 1 has no objection if an Arbitrator is appointed by this Court. Counsel for respondent no. 3 submits that infact, respondent no. 3 would also have claims against respondent no. 1 on the basis of the same cause of action and facts. Respondent nos. 2 and 4 have not entered appearance in spite of service of the notice.

As the existence of the Arbitration Agreement and due invocation thereof by the petitioner remains uncontested, I see no impediment in appointing an Arbitrator for adjudicating the disputes that have arisen between the parties. If there is consent between respondent no. 3 and respondent no. 1 on appointment of the same Arbitrator, they may approach the same Arbitrator for adjudicating the disputes *inter se* them as well.

I appoint **Mr. Justice Ajit Bharihoke**, Retd. Judge of this Court (R/o 2526, Sector C-2, Vasant Kunj, New Delhi, Mobile: 9650110057) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.

The Arbitrator shall give a 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.

NAVIN CHAWLA, J

MARCH 12, 2019/rv