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

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Date of decision: 08.11.2019

+ **ARB.P. 548/2019**

CRE SERVICES AND TECHNOLOGY PVT LTD Petitioner

Through: Mr. Jitender Chaudhary and
Ms. Shilpa Chohan, Advocates.

versus

DHRUV JALAN & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 ('Act') seeking appointment of an Arbitrator.
2. Affidavit of service has been filed. It is stated in the affidavit that respondents have been served through the process of speed post. Tracking report evidencing service has been annexed with the affidavit as annexure A1. Notices through courier have been dispatched as evident from the receipts annexed to the affidavit. In so far as the *dasti* notices are concerned, it is stated in the affidavit that the guard present at the premises of the respondents did not take the notices on the ground that he had no authority to receive any documents and refused to call the respondents from the house.

3. The matter was passed over once.
4. There is no appearance on the respondents even on the second call. The respondents have been served through the process of speed post. Since there is no appearance even on two calls, it appears that the respondents are not interested in defending the present petition. The respondents are therefore proceeded *ex-parte*.
5. Since the present petition is not being defended, Arbitration Clause between the parties is deemed to be admitted.
6. Learned counsel for the petitioner submits that the matter be referred to DIAC for appointment of the Arbitrator.
7. Accordingly, petitioner will appear before DIAC on 11th December, 2019 at 11:00 a.m.
8. The arbitration shall be conducted as per the rules and procedures of the DIAC.
9. Fee of the Arbitrator will be as per Fourth Schedule of the Act.
10. The Arbitrator will give a disclosure under Section 12 of the Act.
11. With the above directions, the petition is allowed.

JYOTI SINGH, J

NOVEMBER 08, 2019

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