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

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Date of decision: 17.12.2019

+ ARB.P. 744/2019

GIIR COMMUNICATIONS INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Anubhav Bhasin, Advocate

versus

VINTAGE & ANR.

..... Respondents

Through: Ms. Mansi Sharma, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. This is a petition under Section 11(5) & (6) of the Arbitration & Conciliation Act, 1996 ('Act') for appointment of the Sole Arbitrator.
2. The parties had entered into a Media Service Agreement executed on 22.07.2016. The Agreement has an Arbitration Clause which reads as under:

“a) In the case of dispute arising between the parties with regard to this Agreement shall be at first instance settled expeditiously and fairly by the Chief Executives of the Parties. In the event of the Chief Executives not being able to resolve the same, any such disputes or differences shall be referred to the sole arbitration of an arbitrator appointed by and agreed to, by both the Parties, in accordance with the provisions of Arbitration and Conciliation Act, 1996. In event the parties are unable to agree on the appointment of a sole arbitrator, the arbitrator shall be appointed in accordance with the procedure stipulated by the Arbitration and Conciliation Act, 1996. The Parties shall on best efforts basis procure

that arbitration proceedings shall be completed within 180 days of the first hearing held by the arbitrator, or such other reasonable time frame as may be mutually agreed to. The seat of arbitration shall be at New Delhi and the language of the proceedings shall be in English. The award of the Arbitrator shall be final and binding on the Parties.

b) In case of any dispute arising out of this agreement, the parties shall be subject to the jurisdiction of the Courts of New Delhi only.”

3. The petitioner had appointed a sole Arbitrator, who entered upon reference on 05.07.2018. Statement of Claim was filed by the applicant on 01.08.2018. Time was sought by the respondent to file his letter of authority and to take instructions. On 15.09.2018, the respondent was given five weeks to file reply and finally on 15.12.2018, last and final opportunity was given to comply with the order of 03.11.2018. On 15.01.2019, the respondent stated that he would not file his reply and would directly address the arguments, petitioner was granted time for filing the evidence by way of affidavit.

4. On 08.07.2019, the Sole Arbitrator withdrew himself from the arbitration proceedings. Petitioner issued a legal notice on 16.08.2019 for substitution of the Arbitrator. Thereafter both the parties nominated their respective Arbitrators. The parties could not reach consensus on the name of the Arbitrator and thus the present petition was filed.

5. At this stage, learned counsel for the respondent submits, on instructions from the respondent, that the respondent has no objection to the appointment of an Arbitrator by this Court to adjudicate the disputes between the parties.

6. With the consent of the parties, Mr. Gajendra Giri, Advocate is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.

7. The address and mobile number of the learned Arbitrator is as under:

Mr. Gajendra Giri, Advocate
Chamber No. 608, Chamber Block-III,
Delhi High Court,
New Delhi-110503
Mobile:- 9213934696

8. The learned Arbitrator shall give disclosure under Section 12 of the Act before entering upon reference.

9. Fee of the Arbitrator shall be fixed as per Fourth Schedule of the Act.

10. The petition is disposed of in the aforesaid terms.

DECEMBER 17, 2019
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JYOTI SINGH, J