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

+ ARB.P. 516/2018

SWASTIK PIPE LTD. Petitioner

Through: Ms.Palak Nenwani, Adv.

versus

R.V. INDUSTRIES

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **17.01.2019**

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Tax Invoices raised by the petitioner on the respondent for the supplies made by the petitioner to the respondent. The invoices contained an Arbitration Agreement which is reproduced hereinbelow:

“Terms and Conditions:

xxxxx

2. *All disputes, touching and/or concerning this bill, shall be, solely, resolved by an arbitrator duly appointed by the Hon'ble Delhi High Court under the Arbitration and Conciliation Act, 1996, as amended unto date or any repeal thereof. The seat of arbitration shall be Delhi and shall be solely and exclusively subject to Delhi Jurisdiction. The language of arbitration proceedings shall be English.”*

The disputes having arisen between the parties, the petitioner invoked

the Arbitration Agreement vide notice dated 05.06.2018. Having received no response, the present petition has been filed.

Notice of this petition was issued to the respondent vide order dated 23.07.2018. On 26.11.2018, the submission of the counsel for the petitioner was recorded that the respondent had been duly served with the notice issued by this Court. The petitioner has now filed its Affidavit of Service which indicates that the respondent was duly served with the notice, however, refused to give an acknowledgment of the same.

None has appeared for the respondent in spite of service.

In view of the above, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Tax Invoices.

I refer the petitioner to the Delhi International Arbitration Centre (DIAC), where it shall appear on 31.01.2019 at 2.00 p.m. The DIAC shall appoint an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Tax Invoices. The arbitration proceedings and the fee shall be governed by the DIAC rules.

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

Dasti.

NAVIN CHAWLA, J

JANUARY 17, 2019/Arya