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

+ ARB.P. 841/2018

MANMOHAN SINGH & ANR. Petitioners
Through: Mr.Dhruv Chawla, Adv.

versus

VARDHMAN INFRADEVELOPERS PVT LTD Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.01.2019**

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of a Sole Arbitrator adjudicating the disputes that have arisen between the parties in relation to the Builder-Buyer Agreement dated 12.09.2014 executed between the parties. The said Agreement contains an Arbitration Agreement in form of Clause 21 thereof, which is reproduced hereinbelow:

"21. ARBITRATION

That all or any disputes arising out of or touching upon or in relation to the terms of this agreement including the interpretation and validity of the terms thereof and the respective rights and obligations of the parties shall be settled amicably by mutual discussion failing which the same shall be settled through arbitration. The arbitration proceedings shall be governed by the Arbitration and Conciliation Act, 1996 or any statutory amendment/modification thereof for the time being in force. The arbitration proceeding shall be held at an appropriate location in Delhi or New Delhi by a Sole Arbitrator who

shall be appointed by both the parties mutually and whose decision shall be final and binding upon the parties. The Courts at Delhi alone shall have jurisdiction. The Arbitration Clause shall survive the termination of the present agreement."

2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 05.11.2018. Having failed to receive any response, the present petition was filed.
3. Notice on the present petition was issued to the respondent on 03.12.2018. The petitioner has filed an affidavit of service indicating that the notice was duly delivered to the respondent.
4. None has appeared for the respondent on 15.01.2019 or even today in spite of pass-over being granted.
5. As the existence of the Arbitration Agreement and due invocation thereof remained uncontested by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.
6. I appoint **Mr.B.L. Garg**, Retired Additional District & Sessions Judge, Delhi (A-9, Ganpati Apartment, 6, Alipur Road, Civil Lines, Delhi-110054, Ph: 9810827815) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.
7. Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.
8. The petition is allowed in the above terms with no order as to cost.

Dasti.

NAVIN CHAWLA, J

JANUARY 21, 2019/Arya