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

+ ARB.P. 862/2019

SAMUEL FOUNDATION CHARITABLE INDIA
TRUST

..... Petitioner

Through: Mr. Sushil Dutt Salwan and
Mr. Arjun Garg, Advs.

versus

DELHI SKILL MISSION SOCIETY

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **25.02.2020**

This petition has been filed by the petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

The relevant arbitration clause as reproduced in the petition reads as under:

"5. Arbitration -in the event of any dispute or difference relating to this agreement between the parties hereto, such disputes or differences shall be resolved by mutual consultation. If such resolution is not possible, then the unresolved disputes or differences shall be referred for adjudication through Arbitration by a Sole Arbitrator to be appointed by the respective state government. The arbitration shall be concluded in accordance with the provision of Arbitration & Conciliation Act, 1996 (26/96) or any statutory modifications or re-enactment thereof and the rules made thereunder and for the time being in force shall apply to arbitration proceedings. The venue of such arbitration shall be at any place in India, as may be decided by the arbitrator. The language of arbitration

proceedings shall be English. The arbitrator shall make a reasoned award (the "Award") which shall be final and binding on the parties. The cost of arbitration shall be shared equally by the parties to the agreement. However, expenses incurred by each party in connection with preparation, presentation shall be borne by each party."

It is the submission of Mr. Sushil Dutt Salwan, learned counsel appearing for the petitioner that the petitioner had invoked the arbitration clause vide notice dated September 7, 2019, however no response was received from the respondent to the notice.

Notice was issued on this petition to the respondent on the last date of hearing. Despite service, there is no appearance for the respondent. Accordingly, I allow this petition and appoint Mr. Vibhor Garg, Adv. as an Arbitrator who shall adjudicate the disputes and differences between the parties. The appointment of Mr. Garg shall be regulated by the Rules of DIAC. Parties are at liberty to appear before learned Arbitrator after taking prior appointment on his mobile number being 9811352998.

The petition stands disposed of.

V. KAMESWAR RAO, J

FEBRUARY 25, 2020/jg