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

+ ARB.P. 511/2019

ABHIJIT SINGH RAGHAV Petitioner

Through: Mr.Sanjeev Malhotra, Advocate

versus

MOHD.YAQUB QURESHI Respondent

Through: Mr.Satya Prakash Gauram, Mr.Sanjay
Kumar, Mr.L.Chand and Mr.Akhilesh
Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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17.01.2020

1. The petitioner is seeking appointment of an arbitrator under Section 11(6) the Arbitration and Conciliation Act. The petitioner has claims to the tune of Rs.1,46,70,000/-.
2. The arbitration agreement between the parties is contained in clause No.7 of the MOU dated 15th January, 2017. The petitioner invoked the arbitration vide notice dated 27th December, 2018.
3. Learned counsel for the respondent submits on instructions that MOU dated 15th January, 2017 was signed by the respondent but the respondent wants to raise a challenge to the contents of the MOU on the ground that respondent is an illiterate person and he signed the MOU dated 15th January, 2017 without reading and understanding its contents. It is further submitted that the respondent wants to raise a challenge to the validity of the agreement dated 21st March, 2016. These contentions have to be considered by the arbitrator.

4. The petition is allowed. Mr. Justice K. K. Lahoti, former Judge of Madhya Pradesh High Court (Mobile No.9425152000) is appointed as a sole arbitrator to adjudicate the disputes between the parties.
5. The respondent is at liberty to raise objections relating to the MOU dated 15th January, 2017 and the agreement dated 21st March, 2016 before the learned arbitrator.
6. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre (DIAC).
7. The learned arbitrator shall ensure the compliance of Section 12 read with Fifth, Sixth and Seventh Schedule of Arbitration and Conciliation Act, 1996 before commencing the arbitration.
8. The fee of the learned arbitrator shall be in accordance with the Schedule of fees prescribed under the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules.
9. Copy of this order be sent to Delhi International Arbitration Centre (DIAC).
10. Copy of this order be sent to the learned arbitrator.
11. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 17, 2020

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