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

+ **ARB.P. 528/2019**

INDO COPTERS PVT LTD

..... Petitioner

Through: Mr.Balaji Subramanian and Ms.Ishani
Banerjee, Advs.

versus

WHIRL WORKS AERIAL PVT LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **07.01.2020**

1. Despite service on the respondent, there is no appearance.
2. It is the submission of Mr.Balaji Subramanian, learned counsel appearing for the petitioner that in terms of the agreement entered into between the petitioner and the respondent, the Arbitration clause reads as under:

“It is agreed between the CHARTERER and the OPERATOR that all disputes or differences whatsoever arising out of or relating to the construction, meaning and operation or effect of this agreement or breach thereof shall be referred to an arbitrator, to be mutually agreed to as the sole arbitrator, who shall decide all disputes in accordance with the Arbitration and Conciliation Act, 1996. The award of the sole arbitrator, shall be binding upon both parties to the dispute on all matters referred for arbitration. The venue of the arbitration shall be New Delhi and the arbitration shall be conducted in English.”

3. He also draws my attention to the invocation notice dated April 18, 2019 whereby the petitioner had proposed the name of a retired Additional

District Judge as a Sole Arbitrator. It appears from the reading of the reply to the said invocation notice the respondent has suggested the name of Mr.Amir Yadav, Advocate, as a Sole Arbitrator.

4. In view of the fact that the parties have not agreed for a common Arbitrator, this petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Sole Arbitrator.

5. Accordingly, this Court deem it appropriate to appoint Mr. S. M. Chopra, retired ADJ as a Sole Arbitrator whose appointment shall be governed by the Rules of DIAC.

6. Let a copy of this Order be sent to Mr. S. M. Chopra, retired ADJ at his address i.e. Flat No. 181, Deshbandhu Appartments, Kalkaji, New Delhi-110019.

7. Petition disposed of.

V. KAMESWAR RAO, J

JANUARY 07, 2020/bh