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

+ **ARB.P. 572/2019 & IA. 12483/2019**

M/S INNOVATIVIEW INDIA PVT. LTD. Petitioner
Through: Mr. Chakit Singhal, Adv.

versus

M/S NYSA COMMUNICATION PVT. LTD. THROUGH: ITS
DIRECTORS Respondent
Through: Mr. Rajvardhan Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% 04.03.2020

IA. 12483/2018

This is an application filed by the applicant / petitioner seeking condonation of 89 days delay in re-filing the petition.

For the reasons stated in the application delay of 89 days in re-filing the petition is condoned.

Application stands disposed of.

ARB.P. 572/2019

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 which governs the parties is at page 5, which reads as under:

“This Agreement shall be governed by an interpreted in accordance with the laws of India. All disputes and differences whatsoever arising between the parties, out of or in

relation to the construction, meaning and operation or effect of this Agreement or breach thereof, shall be settled amicably. If, however, the parties are not able to resolve such disputes or difference amicably, the same shall be resolved by an Arbitrator mutually appointed by both the parties. The Arbitration proceedings shall be governed by the provision of the Arbitration and Conciliation Act, 1996. The Arbitration proceeding will be carried out at Delhi and the Award made in pursuance there of shall be binding on the parties.”

It is the submission of the learned counsel for the petitioner that petitioner had invoked the arbitration clause vide notice dated May 7, 2019 and proposed the name of an Advocate to be appointed as an Arbitrator. Unfortunately, vide reply dated May 16, 2019, respondent had not agreed to the appointment of the Advocate as Arbitrator.

Noting the fact that the dispute has arisen between the parties, this court is of the view that an Arbitrator needs to be appointed. Accordingly, this Court appoints Mr. Samar Bansal, Adv. as Arbitrator who shall adjudicate the disputes and differences between the parties. His appointment shall be governed by the provisions of DIAC Rules. Let a copy of this order be sent to Mr. Samar Bansal, Adv. for information.

Parties are at liberty to appear before the learned Arbitrator after taking prior appointment on his mobile number being 9810999330

The petition stands disposed of.

V. KAMESWAR RAO, J

MARCH 04, 2020/jg