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

+ **ARB.P. 773/2019**

UPENDRA KUMAR SINHA Petitioner
Through **Mr.Saurabh Srivastava, Adv.**

versus

M/S MIST AVENUE PVT.LTD. & ANR. Respondents
Through **Mr.Sanchit Gawri, Adv.**

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **12.03.2020**

1. The present petition under Section 11 of the Arbitration & Conciliation Act, 1996 seeks appointment of an Arbitrator for adjudication of disputes and differences which have arisen between the parties in relation to the Agreement dated 12.05.2014.
2. Learned counsel for the petitioner submits that upon disputes having arisen, the petitioner invoked the Arbitration Clause by way of notice dated 18.04.2019, but received no reply thereto from the respondents. He, therefore, submits that in terms of the arbitral Clause as contained in para 12 of the Agreement, this Court may appoint an independent Arbitrator for adjudication of the disputes between the parties.
3. Learned counsel for the respondents fairly does not oppose the petition but submits that there is no reason why arbitration

proceedings ought to be initiated against the respondent no.2 who has no connection with the dispute. He, therefore, prays that the respondent no.2 be deleted from the array of parties.

4. Learned counsel for the petitioner has no objection to the said request.

5. Accordingly, on the oral request of learned counsel for the respondents, the name of respondent no.2 is deleted from the array of parties. Amended memo of parties handed over in Court, is taken on record.

6. In view of the aforesaid stand taken by the parties and the arbitral clause contained in the agreement, the matter is referred to arbitration. Mr.Charanjit Jawa, Advocate (Mob.9811092067) is appointed as the sole arbitrator for adjudication of the disputes and differences between the parties in relation to Agreement dated 12.05.2014. The arbitration will be conducted under the aegis of the Delhi International Arbitration Centre and the fees of the learned Arbitrator shall be governed by the Schedule IV of the Act.

7. Before entering upon reference, the learned Arbitrator shall make disclosure under Section 12 of the Act.

8. The petition is disposed of in the aforesaid terms.

9. A copy of this order be sent to the learned Arbitrator as also to the DIAC.

REKHA PALLI, J

MARCH 12, 2020/aa