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

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***Date of decision: 10.12.2021***

+ ARB.P. 101/2021

SWASTIK PIPE LTD

..... Petitioner

Through Mr. Sanjay Jain and Ms. Kritika  
Khanna, Advs.

versus

JAGPAL SHARMA

..... Respondent

Through Nemo

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**J U D G M E N T (oral)**

1. The present petition has been filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of sole Arbitrator to adjudicate the disputes with respondent.
2. As per the averments made by petitioner, petitioner is a company duly incorporated under the Company Act, 1956. Pursuant to business dealings and relations between the parties, respondent was purchasing ERW Precision Tubes and C.R. Strips from the petitioner on a running account basis. A total sum of Rs.29,34,170/- including @18% per annum from 01.04.2019 till 17.02.2020 was due against the goods already received by

respondent. Thereafter, dispute arose between the parties. Petitioner sent a legal notice dated 27.02.2020 seeking Demand-cum-Appointment of Arbitrator, however, the same was returned to petitioner with the remarks “item returned as no such person in the address”. Therefore, the present petition has been filed.

3. None has appeared on behalf of respondent.

4. As per the report from Registry, service report qua notice to respondent through ordinary, dasti, courier, speed post, e-mail, fax and Whatsapp is awaited.

5. As per the affidavit of service filed by the petitioner, service upon respondent has been effected through Whatsapp as is evident from ‘blue ticks’ on the message sent by learned counsel for petitioner to respondent which is a deemed service. However, despite that, respondent has preferred not to appear before this Court. It seems that respondent has nothing to oppose the present petition.

6. In view of the above, the present petition is allowed. Accordingly, **Mr. Justice (Retd.) Vinod Goel (Mobile:9910384637)** is appointed sole Arbitrator in this petition to adjudicate the dispute between the parties.

7. The fee of the learned Arbitrator shall be governed by the Fourth

Schedule of the Arbitration and Conciliation Act, 1996.

8. The learned Arbitrator shall ensure compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.

9. The present petition and pending application, if any, are accordingly disposed of.

10. A copy of this order be sent to the learned Arbitrator for information.

**DECEMBER 10, 2021**  
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**(SURESH KUMAR KAIT)**  
**JUDGE**

