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

+ **ARB.P. 463/2021**

OYO WORKSPACES INDIA PRIVATE LIMITED.. Petitioner

Through: **Mr. Harsh Kaushik and Mr.
Harsh Prakash, Advs.**

versus

NAGABHUSHAN C R

..... Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

O R D E R (ORAL)

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23.08.2021

(Video-Conferencing)

1. Notice on this petition was issued on 8th April, 2021. Service thereon has been effected on the respondent.
2. The Registry was directed to contact the respondent telephonically as well as by WhatsApp and intimate the respondent of today's hearing.
3. The office noting by the Registry indicates that it has been done. There is, however, no appearance on behalf of the respondent either at first call or on second call.
4. It appears that the respondent is not interested in opposing the petition.

5. I have, accordingly, heard learned Counsel for the petitioner and proceed to dispose of the matter.

6. The petition, filed under Section 11 (5) and (6) of the Arbitration and Conciliation Act, 1996, seeks appointment of an arbitrator to arbitrate on the dispute between the parties.

7. The substratum of the disputes stands set out in paras 5 to 14 of the petition.

8. The arbitration clause, in the agreement between the parties, reads thus:

“Governing Law and Dispute Resolution

Governed by Indian law. Disputes shall be resolved by arbitration in accordance with the Arbitration and Conciliation Act 1996 at New Delhi only.”

9. Notice, invoking arbitration, was sent by the petitioner to the respondent on 5th November, 2020.

10. There is, however, no response thereto from the respondent.

11. No case, for refusing the prayer, of the petitioner, to refer the dispute between the parties to arbitration, is made out.

12. Accordingly, the dispute is referred to the Delhi International Arbitration Centre (DIAC) to appoint an arbitrator to arbitrate thereon.

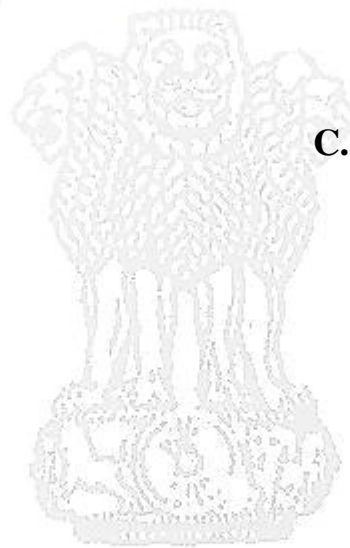
13. The arbitration shall take place under the aegis of the DIAC and as per its rules and regulations.

14. The arbitrator appointed by the DIAC shall also be entitled to charge fees in accordance with the schedule of fees maintained by DIAC or as otherwise fixed by the arbitrator in consultation with the parties.

15. This petition stands disposed of in the aforesaid terms.

AUGUST 23, 2021
dsn

C. HARI SHANKAR, J.



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