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

% ***Date of decision: 11.01.2022***

+ ARB.P. 934/2021

LAVA INTERNATIONAL LTD. Petitioner

Through: Mr. Nishant Dutta, Advocate

Versus

M/S RALLY INFRA PVT. LTD. Respondent

Through: Ms. Mehak Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

1. The present petition has been under the provisions of Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator for adjudication of disputes with respondent.

2. Petitioner, a limited company, claims to be engaged in the business of trading and manufacturing of mobile handsets and it has let out furniture, fixtures and assets lying in the premises of first floor and third floor B4, Sector 63, Noida, 201301 to the respondent by virtue of License Agreement dated 28.02.2019. The said License Agreement dated 28.02.2019 was initially for a period of 9 years commencing from 01.03.2019. However, during its subsistence, certain disputes arose between the parties and

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petitioner issued a Notice dated 11 .05.2021 to the respondent raising demand for clearance of outstanding dues, which was not replied by the respondent. Thereafter, petitioner claims to have issued another notice 06.08.2021 to the respondent invoking arbitration in terms of Clause- 28 of, however, it was also not replied to.

3. During the course of hearing, learned counsel for the petitioner submitted that since respondent failed to invoke arbitration within the time stipulated under the Act, therefore, the present petition has been filed before this Court seeking appointment of Arbitrator License Agreement dated 28.02.2019.

4. Ms. Mehak Gupta, Advocate, has entered appearance on behalf of respondent and submits that she will place on record her *vakalatnama* during the course of the day.

5. Learned counsel for respondent submits that the claims raised in the present petition are disputed, however, existence of License Agreement dated 28.02.2019 is not disputed nor that the disputes *inter se* parties are arbitrable. Learned counsel prays that an Arbitrator be appointed by this Court for adjudication of disputes with petitioner.

6. In view of the above, the present petition is allowed. Accordingly,



Mr. R.S. Arya, DHJS (Retd.) (Mobile: 9312880188) is appointed the sole Arbitrator 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.

JANUARY 11, 2021

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(SURESH KUMAR KAIT)
JUDGE

