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

+ **ARB.P. 97/2024, I.A. 1694/2024**

MANKIND PHARMA LTD

..... Petitioner

Through: Mr. Harshbir Singh Kohli, Advocate.

versus

AUGUST PURPLE SERVICES PVT. LTD

..... Respondent

Through: Mr. Ananya Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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23.01.2024

1. Fresh Petition under Section 11(6) and 8 of the Arbitration & Conciliation Act, 1996 has been filed on behalf of the petitioner.
2. It is submitted in the petition that the parties had entered into an Agreement dated 04.11.2020 which contains an Arbitration Clause. Disputes arisen between the parties. Notice of Invocation of Arbitration was sent on 01.04.2023 followed by another Notice dated 18.04.2023 and 12.07.2023. But since the parties were not *consensus ad idem* for appointment of the Arbitrator, the present petition has been filed.
3. Learned counsel for the respondent has appeared on advance Notice and has submitted that there is also a dispute in regard to service of Notice of Invocation. He further submits that without prejudice to his rights and contentions, he has no objection to the appointment of the Arbitrator.
4. In view of the submissions made and also considering that there is a valid arbitration clause in the Agreement, Ms. R. Kiran Nath, District &



Sessions Judge (Retired), Mobile No.9910384659, is hereby appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

5. The parties are at liberty to raise their respective objections before the Arbitrator.
6. This is subject to the Arbitrator making necessary disclosure as under Section 12(1) of A&C Act, 1996 and not being ineligible under Section 12(5) of the A&C Act, 1996.
7. The fees of the learned Arbitrator would be fixed in accordance with the Fourth Schedule to A&C Act, 1996 or as consented by the parties.
8. Learned counsels for the parties are directed to contact the learned Arbitrator within one week of being communicated a copy of this Order to them by the Registry.
9. A copy of this Order be also forwarded to the learned Arbitrator, for information.
10. The petition is accordingly disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JANUARY 23, 2024/va