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

+ **ARB.P. 1000/2024**

ALKA BHATIA

.....Petitioner

Through: Mr. Nimish Chib, Mr. Deepak
Rajwar, Advs.

versus

VISHAL TYAGI

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **15.10.2024**

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The parties herein entered into a Rent Agreement dated 19.04.2023 for the property being DDA built-up free-hold Flat bearing no. 95, Second Floor, Block C and D, Pocket-1, Category SFS-II, Shalimar Bagh, Delhi-110088.
3. From October 2023, the respondent stopped making payments of rent. Consequently, the petitioner terminated the said Agreement on 16.11.2023.
4. The arbitration clause is Clause 14 of the said Agreement which reads as under:-

*“That in case any dispute arises between the LANDLADY and
TENANT then the said dispute will be referred to sole*



arbitrator, nominated by the LANDLADY whose decision will be final and binding on both the parties.”

5. As the respondent failed to comply with the demand of the petitioner, the petitioner invoked the arbitration *vide* legal notice dated 06.01.2024. Hence, the present petition.

6. This Court *vide* Order dated 11.07.2024 issued notice to the respondent. As per the service report, the respondent has been served.

7. Despite service, there is nobody appearing on behalf of the respondent.

8. For the said reasons, the petition is allowed and the following directions are issued:-

- i) The Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the ‘DIAC’) will appoint an Arbitrator out of the Panel of the Advocates maintained by the DIAC to adjudicate the disputes between the parties.
- ii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
- iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims



- and merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- v) The parties shall approach the learned Arbitrator within two weeks from today.
9. The present petition is disposed of in the aforesaid terms.

OCTOBER 15, 2024/sp

JASMEET SINGH, J

Click here to check corrigendum, if any