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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1215/2023**

UNICOM DENMART LIMITED Petitioner
Through: Mr. Gunjan Kumar & Mr. Sushant
Kumar, Advs. (M: 8920054412)

versus

MOHAMMAD MOOSA KHAN Respondent
Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **27.03.2024**

1. This hearing has been done through hybrid mode.
2. The Joint Registrar's order dated 22nd February, 2024 records that service has been affected through Speed Post, Courier as well as WhatsApp.
3. Ld. Counsel for the Petitioner submits that the Respondent is residing in the same premises but is avoiding the service. He is using the back door of the premises in order to evade the process server as also other modes of service.
4. In view of the Joint Registrar's order 22nd February, 2024 and affidavit of service which is filed on record, the Respondent is taken to have been served in the matter.
5. The present petition has been preferred by the Petitioner- Unicom Denmart Limited under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act') seeking appointment of a Sole Arbitrator in terms of paragraph 12 of the agreement dated 10th June, 2019 entered into between the parties. The said agreement was in respect of purchase of dental equipment.
6. The Arbitration clause of the agreement dated 10th June, 2019 is set



out below:

"12. If any difference of opinion or dispute would arise between the parties in connection with this Agreement or its implementation, the Parties shall first use all reasonable efforts to arrive to any amicable solution. Falling an amicable Solution, all disputes arising in connection with this Agreement shall be finally settled under the Arbitration and Conciliation Act, 1996 and as per the amended provisions thereof A Sole Arbitrator shall be nominated by the Managing Director of the Company. The venue of the arbitration shall be New Delhi. "

7. In terms of the above arbitration clause, **Mr. Gauhar Mirza, Advocate** **[M: +91-9891826085]** is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.
8. The Arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre (hereinafter, 'DIAC') under the Rules of DIAC. The fee of the Id. Sole Arbitrator shall be as per the Fourth Schedule of the Act, as amended by the DIAC Rules.
9. List before the DIAC on 15th April, 2024. Let a copy of the present order be emailed to the Secretary, DIAC on the email id- delhiarbitrationcentre@gmail.com.
10. The DIAC shall also issue notice to the Respondent as well.
11. Petition is accordingly disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

MARCH 27, 2024/mr/bh