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

+ **ARB.P. 1340/2024**

PVR INOX LIMITED

.....Petitioner

Through: Ms. Deepika Kumari, Advocate

versus

BHAKTI INCORPORATE

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

13.11.2024

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1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Memorandum of Understanding (MoU) dated 22.07.2016 entered into between the parties for the development of the Multiplex Space. Disputes have arisen between the parties inasmuch as the Petitioner has terminated the said MoU as the Respondent failed to handover the possession Multiplex Space within the stipulated time.

2. Material on record indicates that a notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 was sent by the Petitioner to the Respondent on 01.07.2024.

3. Since no reply has been given by the Respondent to the notice invoking arbitration sent by the Petitioner, the Petitioner has approached this Court by filing the present Petition.



4. Notice in the present Petition was issued on 02.09.2024. Despite service, today there is no appearance on behalf of the Respondent.
5. In view of the fact that disputes have arisen between the Parties and there is an arbitration clause, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the Parties.
6. Accordingly, Mr. Tanoodbhav Singhdev, (Adv.) (Mob. No.9999012345) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.
7. The learned arbitrator shall be entitled to fees as per the Schedule of Fees mentioned under the A&C Act.
8. The learned arbitrator is also requested to file the requisite disclosure under Section 12(2) of the A&C Act within a week of entering on reference.
9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
10. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.
11. The present petition stands disposed of in the above terms.

SUBRAMONIUM PRASAD, J

NOVEMBER 13, 2024

Rahul