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

+ **ARB.P. 156/2023**

WORLDWIDE AUCTIONEERS INDIA PVT. LTD. Petitioner

Through: Advocate (appearance not given)

versus

M/S. TIANDI CONSTRUCTIONS AND ENGINEERING PVT.

LTD.

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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19.12.2023

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (the "A&C Act") seeks appointment of an independent sole arbitrator.

2. The disputes between the parties have arisen in context of a license agreement dated 17.03.2016. The license agreement dated 17.03.2016 contains an arbitration clause in the following terms:

"8. That disputes if any between the parties shall be sorted out first amicably and in the absence of an amicable settlement; the same shall be referred to Arbitration of a sole Arbitrator to be mutually appointed between the parties. The Arbitration shall be under the Arbitration and Conciliation Act, 1996 and the place of arbitration shall be New Delhi."

3. Disputes having arisen between the parties on account of delay/irregularity of payment of monthly fees/usage charges to the petitioner, the petitioner invoked the arbitration clause vide letters dated 13.09.2022 and 28.09.2022 and proposed appointment of a sole arbitrator.



However, the said letters were not replied to by the respondent. Thereafter, the present petition came to be filed for appointment of an independent sole arbitrator.

4. None appears for the respondent, despite notice.

5. Since, there exists an arbitration clause in the License Agreement between the parties, there is no impediment in appointing an independent sole Arbitrator, to adjudicate the disputes between the parties.

6. Accordingly, Ms. Madhurima Mridul, Advocate (Mobile-9810175151) is appointed as the sole Arbitrator to adjudicate the disputes between the parties.

7. The respondent shall be entitled to raise preliminary objection/s including regards jurisdiction/arbitrability before the learned Sole Arbitrator which shall be considered and decided by the learned Sole Arbitrator in accordance with law.

8. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosures as required under Section 12 of the A & C Act.

9. The learned Sole Arbitrator shall be entitled to fee in accordance with Fourth Schedule to the A & C Act; or as may otherwise be agreed to between the parties and the learned Sole Arbitrator.

10. Parties shall share the arbitrator's fee and arbitral costs, equally.

11. 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.



12. Needless to say, nothing in this order shall be construed as an expression of opinion of this court on the merits of the contentions of the parties.

13. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

DECEMBER 19, 2023/ss