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

+ **ARB.P. 80/2016**

TATA TELESERVICES LTD

..... Petitioner

Through: Ms Debdatta Ray Chaudhury,
Advocates.

versus

SRM ESTATES PVT LTD

..... Respondent

Through: Mr Manoj Tomar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.11.2016**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter the 'Act'), *inter alia*, praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the Service Level Agreement for Standard Internet Services dated 23.12.2013.

2. The said agreement contains an arbitration clause, which is set out below:-

“15. **ARBITRATION:** It is mutually agreed between the Parties, that in the event any difference or dispute relating to these terms and conditions, the same shall be referred to an Arbitral Tribunal comprising of a sole arbitrator to be nominated by in accordance with the Arbitration and Conciliation Act, 1996 ("the Act"). The award of the Arbitral Tribunal shall be final and binding on all the Parties. The Arbitration proceedings shall be held in Delhi and shall be conducted in such language as specified by the Arbitral

Tribunal. The arbitral proceedings and the arbitral award shall be governed by the provisions of the Act.”

3. In view of the disputes that have arisen between the parties, the petitioner sent a notice dated 27.10.2015 invoking the arbitration clause. However, admittedly, the Arbitrator has not been appointed as yet.

4. The learned counsel appearing for the respondent does not dispute the existence of the above agreement or the arbitration clause. Accordingly, the Arbitral Tribunal is required to be constituted for adjudication of the disputes between the parties.

5. Both the parties are agreeable that the parties be referred to the Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator. Accordingly, it is directed that the Sole Arbitrator be appointed under the Rules of the DIAC. The representatives of the parties shall appear before the Co-ordinator, DIAC on 29.11.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 08, 2016

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