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

+ **ARB.P. 131/2016**

STRANGWAY ORRIDGE

..... Petitioner

Through Mr Arvind Chaudhary and Ms Asha
Chaudhary, Advocates.

versus

ABW INFRASTRUCTURE PVT. LTD.

..... Respondent

Through Mr Harsh Sethi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.11.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to a Memorandum of Understanding (MOU) dated 17.09.2008.

2. The MOU includes an arbitration clause which reads as under:-

“14. That all disputes or differences arising between the Parties under or in relation to this Memorandum of Understanding, shall be resolved by reference to Arbitration in accordance with the Arbitration and Conciliation Act, 1996. The venue of arbitration shall be New Delhi only.”

3. The learned counsel appearing for the respondent does not dispute the existence of the MOU or the arbitration clause. He, however, submits that the matter can be resolved amicably. He contends that if the parties are

afforded further time they would be in a position to arrive at an amicable settlement. He further states that the matter relating to the project in question is currently listed before the Supreme court in the second week of December.

4. The learned counsel for the petitioner states that parties have already made efforts to resolve their disputes amicably but their efforts have been in vain.

5. In view of the fact that the existence of the arbitration clause is not disputed and the petitioner had invoked the arbitration clause, an arbitrator is required to be appointed.

5. Accordingly, it is directed that an Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The representatives of the parties shall appear before the Co-ordinator, DIAC on 19.12.2016 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 29, 2016

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