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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 132/2015

WELL PROTECT MANPOWER SERVICE (P) LTD Petitioner
Through: Mr. Tarkeshwar Nath with Mr. Onkar
Nath, Advocates.

versus

DIRECTORATE OF HEALTH SERVICES Respondent
Through: Ms. Jyoti Taneja, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER
28.11.2016

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1. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 ('Act') seeking the appointment of an Arbitrator to adjudicate the disputes between the parties arising out of an Agreement dated 20th June 2006.
2. The existence of the arbitration clause in the Agreement and the fact that the Petitioner has invoked the arbitration clause by issuing notice on 7th October 2014 are not in dispute.
3. The main objection to the appointment of the Arbitrator is that the invocation of the arbitration clause by the Petitioner and the claims of the Petitioner are barred by limitation.

4. As long as the existence of the arbitration clause is not in dispute, the question as regards the notice of invocation and the claims being barred by limitation can be examined by the learned Arbitrator.

5. The other objection is that the Petitioner had to write the Lieutenant Governor ('LG'), Delhi for appointment of an Arbitrator. It is seen that the letter of invocation has in fact been addressed to the LG, Government of National Capital Territory of Delhi and the stamp of the office of LG on the letter has also been placed on record.

6. Accordingly, this Court appoints Mr. Charanjit Jawa, former Additional District Judge (Mobile No. 9811092067) residing at 229, Vivekanand Puri, Near Shastri Nagar Metro Station, Delhi – 110 007 as an Arbitrator for adjudication of disputes between the parties including claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

7. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith. Order be given *dasti*.

S.MURALIDHAR, J

NOVEMBER 28, 2016

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