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

+ **ARB.P. 269/2016**

R. BABU

..... Petitioner

Through Mr Mukesh Kumar Saroja, Advocate.

versus

RAVI RAY

..... Respondent

Through Mr Rahul Pandey and Mr Ranjan Roy,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.11.2016

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 partnership deed dated 19.07.2011 entered into between the parties.

2. The said partnership deed includes an arbitration clause which is set out below:-

"That in case of any dispute between the partners regarding partnership business or the condition of this deed of partnership or accounts or any other matter not provided in this deed of partnership, the same shall be decided according to the provisions of the Indian Arbitration Act."

3. The learned counsel appearing for the respondent does not dispute the existence of the partnership deed or the arbitration clause. He has further referred to an order dated 14.05.2015 passed by the learned Senior Civil Judge, Rohini Courts, New Delhi in Suit No. 290/2014 captioned R. Babu vs. Ravi Ray wherein the court had - at the instance of the respondent - dismissed the suit on the ground that the partnership deed in question contained an arbitration clause. The Court further expressly stated that the parties could resort to the provisions of the Indian Arbitration and Conciliation Act for adjudication of their disputes.

4. Accordingly, with the consent of parties, 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 29.11.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 11, 2016

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