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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 296/2016

INNOVATORS FACADE SYSTEMS P. LTD. Petitioner

Through : Mr S. Ravi Shankar and Ms Yamunah
Nachiar, Advocates.

versus

ERA INFRA ENGINEERING LIMITED Respondent

Through : Mr Manoj K. Singh and Mr Nilava
Bandhopadhyay, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.10.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in respect of a work order dated 26.09.2009 as amended by the work order dated 01.03.2012.
2. The said work order contains an arbitration clause which is set out as under:-

“2.6 Arbitration – Any disputes arising out of this Contract shall be referred to the sole arbitrator i.e. Managing Director of Era Infra Engineering Ltd. who may further appoint any person not below the rank of General Manager and there shall be no objection if arbitrator so appointed is an employee of Era Infra Engineering Ltd. In case the Arbitrator to whom the matter is originally referred get transferred or vacates his office or unable to act for any reason as aforesaid at the time of such transfer, vacation of office or inability to act, Managing Director, EIEL shall appoint another person to act

as Sole Arbitrator in accordance with the provisions of Arbitration and Conciliation Act.”

3. Learned counsel appearing for the respondent has no objection if an independent arbitrator is appointed. The learned counsel for the parties further request that the arbitrator be appointed as per the Rules of Delhi International Arbitration Centre (DIAC) and the Arbitration be conducted in accordance with its rules.
4. Accordingly, with the consent of parties, it is directed that the sole 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 02.11.2016 at 11:00 a.m. 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

OCTOBER 04, 2016
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