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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 340/2016

MEPLEC INDIA PRIVATE LIMITED

..... Petitioner

Through : Mr Niraj Jha, Adv

versus

S. CHAND & COMPANY LIMITED

..... Respondent

Through : Mr Amit Tyagi & Ms Shreya Jain,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.10.2016

1. The petitioner has filed the present petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') for adjudication of disputes that have arisen between the parties in respect of an agreement dated 22.09.2009 for execution of 'Plumbing and fire-fighting works for - Hotel Hometel, at Hari Nagar, Delhi - 110070'.

2. The aforesaid agreement contains the arbitration clause, which reads as under:-

“19: Arbitration: In case any dispute or difference arises between the contractor and the client or any matter within the scope of this contract, except as the matter left entirely to the discretion of the consultants under the provisions of this agreement, then either party shall forthwith give to the other written notice of such dispute or difference, and such dispute or difference shall be referred to arbitration of an arbitrator or arbitrators, one to be nominated by the client and

the other to be nominated by the contractor, or failing agreement between the said arbitrators, by an umpire appointed by them and such award shall be binding upon both the parties. The provisions laid down the under the Arbitration and Conciliation Act, 1996 shall be followed and the proceedings shall be conducted within the jurisdiction of Delhi City.”

3. In view of the disputes, the petitioner had invoked the arbitration clause by a notice dated 26.08.2015; however the arbitral tribunal has not been constituted as yet.

4. The learned counsels for parties state, on instructions, that the parties are agreeable for appointment of a sole arbitrator for adjudication of the disputes between the parties.

5. With the consent of the 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 26.10.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. The petition stands disposed of.

VIBHU BAKHRU, J
OCTOBER 03, 2016/m