

\$~A-14

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

+ C.R.P. 97/2016 and CM No. 24817/2016 (stay)

ALOCK BHOWMICK Petitioner
Through Mr. Siddharth Pandit, Advocate.

versus

SUBRATA DEBNATH Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
01.12.2016

%

1. Learned counsel appearing for the petitioner submits that on 09.11.2016 in C.R.P. No. 96/2016 this court had noted that the parties are agreeable to refer the dispute which was the subject matter of C.R.P. 96/2016 and the subject matter of the present proceedings to Delhi International Arbitration Centre (DIAC), Delhi High Court, New Delhi. He has cited the order dated 09.11.2016. The relevant portion of the order dated 09.11.2016 reads as follows:-

“2. After some argument, the learned counsels for the parties submit that they have no objection in case the dispute pending between the parties pertaining to the Agreement to Sell dated 05.05.2011 and the disputes as raised by the petitioner in his suit filed before the court of Sh.D.K.Jangala, ADJ, West District, Delhi are referred and adjudicated upon by an Arbitrator, to be appointed by the Delhi International Arbitration Centre, Delhi High Court, New Delhi.

3. In view of the said submission of the learned counsels for the parties and keeping in view the fact that the Agreement to Sell also has an arbitration clause, the matter is referred for adjudicating upon and to the process of arbitration to the Delhi International Arbitration Centre, New Delhi. The Delhi International Arbitration Centre, New Delhi shall communicate the date to the learned counsels for the party/parties.”

2. It is admitted that the present dispute pertains to the agreement to sell dated 05.05.2011 and as per the agreement arrived at in court on 09.11.2016 between the parties, the present matter is also to be referred to Arbitration of DIAC. Accordingly, the present dispute which is the subject matter of the present proceedings and the suit from which the present proceedings have arisen are referred to DIAC

3. Learned counsel for the petitioner submits that though none is present for the respondent today, they have already given their consent on 09.11.2016.

4. The present petition and all pending applications stand disposed of with the above directions.

5. A copy of this order be sent to the Delhi International Arbitration Centre, Delhi High Court, New Delhi for information and necessary compliance.

JAYANT NATH, J

DECEMBER 01, 2016

rb