

\$~5

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

+ **ARB.P. 412/2016**

STELLA MARIS HIGH SCHOOL

..... Petitioner

Through: Mr Ashish Upadhyay and Mr Pradeep
Mishra, Advocates.

versus

EDUCOMP SOLUTIONS LIMITED & ANR.

..... Respondents

Through: Mr R. Narayanan, Mr Prashant
Prakash and Mr Ravi Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.11.2016**

The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes that are stated to have arisen between the parties in relation to an agreement dated 31.12.2010 for Smart Class Programme.

The said agreement contains the Arbitration Clause which is set out below:-

"ARBITRATION

If any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this Agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole Arbitrator under the provisions of the Indian Arbitration and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by Party A. The venue for arbitration shall be at New Delhi and the language shall be English. The courts in New Delhi shall have jurisdiction to entertain all disputes between the parties."

The learned counsel appearing for the respondent has no objection if an Arbitrator is appointed.

The learned counsel for both the parties request that the Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). Accordingly, it is directed that the Arbitrator be appointed under the Rules of DIAC. The representatives of the parties shall appear before the Co-ordinator, DIAC on 11.11.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 08, 2016
RK