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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 494/2016

AIM CONSULTANT PVT LTD.

..... Petitioner

Through : Mr Rajiv Saxena, Advocate.

Versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through : Mr Anil Grover, Standing Counsel

NDMC with Ms Kanika Singh, ASC and

Ms Noopur Singhal, Advocates for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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23.09.2016

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.
2. The petitioner is engaged in the business of providing DATA entry services and was issued a work order dated 03.07.2009. In terms of the said order, the petitioner was contracted the work for Data Entry of old Birth & Death Records at Registrar Office Manidir Marg, NDMC. It is stated that certain disputes have arisen in relation to the said contract. Admittedly, the work order includes an arbitration clause which reads as under:-

"5. Arbitration

In the event of any dispute or differences arising between the contract for and the NDMC in connection with this contract the same will be referred to the sole

arbitration of the Chairperson, NDMC or his nominee whose decision shall be final and binding on both the parties to this contract. The venue of arbitration shall be National Capital Territory of Delhi."

3. The learned counsel for the respondents has filed a reply wherein the respondent has taken several objections as to the claims made by the petitioner including that the claims are barred by limitation; however, the existence of the arbitration clause is not disputed.

4. In the circumstances, 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 21.10.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. Needless to mention that the respondent is at liberty to raise all its defences before the Arbitrator.

6. The petition is disposed of.

VIBHU BAKHRU, J

SEPTEMBER 23, 2016

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