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

+ **ARB.P. 428/2016**

AMRITASHWA

..... Petitioner

Through : Mr Lokesh Bhola, Mr Sanchi Gawri,
Advocates.

versus

U.P INFRAESTATE PRIVATE LIMITED

..... Respondent

Through : Mr Ramesh Gandhi, Advocate.

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 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 an agreement dated 23.07.2016.

2. The said agreement contains an arbitration clause, which reads as under:-

“In case of any dispute between the Parties arising out of or in connection with this Agreement, the same shall be resolved through arbitration to be held in New Delhi in accordance with the provisions of Arbitration & Conciliation Act, 1996 by a mutually appointed arbitrator. In case of difference in choice of any arbitrator, then each party shall appoint one arbitrator and such appointed two arbitrators shall appoint third arbitrator who will be the Presiding Arbitrator. The cost of the arbitration shall be borne equally by the Parties. The venue of

arbitration shall be Delhi and the courts at Delhi/New Delhi shall have exclusive jurisdiction in the matter. ”

3. The learned counsel for the respondent does not dispute that the aforesaid agreement was executed. He also does not dispute the existence of the Arbitration Agreement. He however submits that all contentions of the respondent with respect to the disputes be kept open.

4. In view of the fact that existence of the agreement dated 23.07.2016 is not disputed and it is also not disputed that the agreement contains an arbitration clause the disputes between the parties are to be referred to Arbitration.

5. At this stage, learned counsel for the parties state that instead of constituting an Arbitral Tribunal, a sole arbitrator be appointed for adjudicating the disputes.

6. Accordingly, with the consent of the parties, 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 24.10.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

VIBHU BAKHRU, J

OCTOBER 03, 2016

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