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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 444/2016 & IA 8924/2016

GEETHANJALI PUBLIC SCHOOL

..... Petitioner

Through: Mr. Y. Rajagopala Rao, Mr. K. Sharat
Kumar, Advocates.

versus

EDU SMART SERVICES PRIVATE
LIMITED & ANR

..... Respondent

Through: Mr. R. Narayan, Mr. Ravi Kumar
Mr. Prashant, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.10.2016

1. Having heard learned counsel for the parties, the Court is of the view that since for the purposes of Section 11 (6-A) of the Arbitration and Conciliation Act 1996 ('Act') the existence of an arbitration agreement is not disputed, the disputes can be referred to a sole Arbitrator. Any objection that the Respondent may have to the legal tenability of the claim can be raised before the learned Arbitrator in accordance with law.

2. The Court, accordingly, proposes that Mr. Gautam Narayan, Advocate (Mobile No. 9811411735) be appointed as sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). In the first instance the proposed Arbitrator will

make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions.

3. Subject to compliance with the above direction, Mr. Gautam Narayan will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

4. The petition and the applications are disposed of. A copy of this order be communicated to Mr. Gautam Narayan as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

OCTOBER 20, 2016

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