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

+ **ARB.P. 504/2016**

VIVEK TRAVELS (REGD)

..... Petitioner

Through Mr Amit Wahi and Mr Vijay Singh,
Advocates.

versus

GOVT. (NCT OF DELHI)

..... Respondent

Through Ms Sweety Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.11.2016

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), inter alia, praying that an arbitrator be appointed for resolution of the disputes that have arisen between the parties in relation to the agreement for hiring of vehicles dated 29.10.2010.

2. The said agreement includes an arbitration clause which is set out below:-

“29. In case of dispute or difference arising out of or in a way concerning the agreement shall be referred to the sole arbitration of any person nominated by the Commissioner Food Supplies & Consumer Affairs govt. of NCT of Delhi. The award of the arbitrator so appointed shall be final and binding on both the parties.”

3. The petitioner invoked the arbitration clause by a letter dated 26.05.2014 and called upon the respondent to resolve the disputes amicably,

failing which to refer the disputes to an arbitrator. This was followed by another letter dated 27.09.2014 whereby the petitioner unequivocally demanded that an arbitrator be appointed to adjudicate the disputes between the parties.

4. The learned counsel for the respondent does not dispute the agreement or the arbitration clause. She, however, submits that respondent has settled all dues of the petitioner. She further submits that the respondent had received complaints regarding the petitioner and also issued a show cause notice which was not responded to.

5. At this stage, it is not necessary to examine the rival contentions of the parties as to the merits of the disputes. Since the arbitration clause is not disputed and the arbitrator has not been appointed, it is necessary that the arbitrator be appointed to adjudicate the disputes between the parties.

6. Accordingly, 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 12.12.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

7. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 23, 2016/pkv