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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARB.P. 535/2016

LLOYD INSULATION (INDIA) LTD Petitioner
Through: Ms. Neelam Rathore with
Mr. Shashank Singh, Advocates.

versus

KSS PETRON PVT LTD Respondent
Through: Mr. Vinod Wadhwa, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER
25.10.2016

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1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('Act') filed by the Petitioner against the Respondent seeking the appointment of an Arbitrator to adjudicate the disputes between the parties.

2. Having heard learned counsel for the parties, the Court is of the view that since for the purposes of Section 11 (6A) 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

3. The Court, accordingly, proposes that Mr. Shashwat Bajpai, Advocate (Mobile No. 9811208936) 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.

4. Subject to compliance with the above direction, Mr. Bajapi 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.

5. The petition and the applications are disposed of. A copy of this order be communicated to the learned Arbitrator as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

OCTOBER 25, 2016

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