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

+ **ARB.P. 559/2016**

MIS DEEPA ENGINEERING CO. Petitioner

Through: Mr Digvijay Rai, Advocate.

versus

THE INSTITUTE OF CHARTERED Respondent

Through: Ms Pooja M. Saigal and Mr Jitender
Ratta, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.11.2016**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') for appointment of an arbitrator to adjudicate the disputes that have arisen between the parties in relation to an agreement dated 22.09.2014. The said agreement includes an arbitration clause that is set out below:-

“All disputes and difference of any kind whatsoever arising out of or in connection with the contract or carrying out the works whether during the progress of the work or after their completion and whether before or after the determination, abandonment of or breach of contract shall be referred for arbitration. Each party shall nominate one arbitrator and the two nominated arbitrators shall nominate an umpire in case of difference between the two arbitrators, the matter shall be referred to the umpire for resolution. The seat of arbitration shall be at New Delhi. The award of the arbitrator shall be final and binding. The language of arbitration proceedings shall be English. The provisions of Indian Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof and all the rules made there under for the time being in force shall apply to be arbitration proceedings under this clause.”

2. The learned counsel for respondent does not disputes the existence of an arbitration clause or the agreement. She further states that it would have been ideal if the parties could reconcile the accounts and resolve their disputes amicably; but, has no objection if the arbitrator is appointed.
3. The learned counsel for the petitioner submits that an amicable resolution of disputes is not possible at this stage. Accordingly, a sole arbitrator is required to be appointed to adjudicate the disputes between the parties. At this stage, the learned counsel for the parties request that the matter be referred to Delhi International Arbitration Centre (hereafter 'DIAC').
4. Accordingly, it is directed that an Arbitrator be appointed under the Rules of the DIAC. The representatives of the parties shall appear before the Co-ordinator, DIAC on 01.12.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
5. The petition is disposed of.

VIBHU BAKHRU, J

**NOVEMBER 17, 2016
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