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

+ **ARB.P. 572/2016**

FORBES FACILITY SERVICES PVT. LTD.

..... Petitioner

Through: Ms Surekha Raman, Adv

versus

G.B. PANT HOSPITAL

..... Respondent

Through: Mr Naushad Ahmed Khan, ASC-
Civil, GNCT of Delhi with Ms Astha
Nigam, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.09.2016

IA No.11289/2016

Allowed, subject to all just exceptions.

The application is disposed of.

ARB.P. 572/2016

1. The petitioner has filed the present application under Section 11 (6) the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed for adjudication of the disputes between the parties.

2. It is stated that the respondent vide order/letter No.F.81-61/OTE/San/10-11/GBPH/PS/1667-1674 dated 04.05.2011 was awarded the contract for providing mechanized sanitation services to the petitioner.

3. It is stated that certain disputes had arisen in relation to the said contract and the same were referred to the arbitrator, who had subsequently resigned from the arbitration. Thereafter, the respondent appointed another sole arbitrator, who also did not act and by an order dated 16.08.2016 in OMP (T) (COMM) No.38/2016 the mandate of the said arbitrator was terminated. The respondent was directed to nominate another arbitrator within a period of two weeks from the date of that order, failing which the petitioner was at liberty to apply.

4. Admittedly, the respondent has not appointed an arbitrator within the period as specified above.

5. The learned counsel appearing on behalf of the respondent stated that on 02.09.2016, the respondent had written a letter to the proposed arbitrator seeking the requisite consent but no such consent has been received as yet. The respondent has also not marked a copy of the letter to the petitioner.

6. In the circumstances, I find no reason to disallow the present petition and reject the petitioner's prayer for appointment of a sole arbitrator.

7. 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 26.09.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

8. The petition is disposed of in above terms.

SEPTEMBER 15, 2016

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VIBHU BAKHRU, J