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

+ **ARB.P. 357/2015**

GSC GLASS LTD

..... Petitioner

Through: Mr.D.D. Dayani, Advocate.

versus

MGH LOGISTICS (PVT) LTD

..... Respondent

Through: Mohd.Imteyaz, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

% **20.10.2016**

1. One of the objections raised in the reply filed in the present petition under Section 11 of the Arbitration & Conciliation Act, 1996 ('Act') to the appointment of an Arbitrator is that in terms of Section 24 of the Multimodal Transport of Goods Act 1993, the claim of the petitioner is time barred. According to the petitioner, however, Section 24 of the MMTG is subject to the Arbitration and Conciliation Act 1996 since there is an arbitration clause that governs the transaction between the parties.

2. The Court is of the view that this issue whether the Petitioner's claim is barred by limitation should be examined by the Arbitrator and therefore, court declines to examine the issue at this stage.

3. The Court accordingly proposes Mr. Yudhvir Singh Chauhan (Mobile No. 981015353709) 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').

The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules. 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. The petition is disposed of in the above terms. A copy of this order be communicated to Mr Chauhan as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR,J

OCTOBER 20, 2016

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