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

+ **ARB.P. 622/2016**

KUNTAL CONSTRUCTION PVT. LTD. Petitioner

Through: Mr Sumit Goswami, Advocate.

versus

SCHNEIDER ELECTRIC INFRASTRUCTURE
LIMITED & ANR.

..... Respondents

Through: Mr Ambar Qamaruddin and Mr
Tejasvi Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.12.2016**

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 to adjudicate the disputes that have arisen between the parties in relation to the Purchase Order dated 11.11.2010 (subsequently amended on 10.03.2011).

2. The Purchase Order includes an arbitration clause, which reads as under:-

“2. Arbitration: Any disputes arising out of this order shall be settled in terms of the Indian Arbitration Act, 1996.”

3. The petitioner states that since disputes had arisen between the

parties, the petitioner sent a legal notice dated 06.06.2016 calling upon the respondents to pay a sum of ₹5,89,613/- along with interest failing which the petitioner would be constrained to initiate legal proceedings.

4. It is seen that although the petitioner had issued a legal notice, it had not issued any notice invoking the arbitration clause. However, the learned counsel for the respondents does not contest the petitioner's prayer for appointment of an arbitrator. He, however, submits that the parties ought to make an effort to resolve the disputes amicably.

5. Since it is not disputed that the Purchase Order contains an arbitration clause and that an arbitrator is to be appointed, I consider it appropriate that filing of the present petition be considered as the petitioner's invocation of the arbitration clause. It is therefore, directed, with the consent of the parties, that an Arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). The parties shall appear before the Co-ordinator, DIAC on 30.01.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. In view of the submission made by the learned counsel for the respondents that the respondents are willing to resolve the disputes amicably, it is directed that parties/representatives of the parties shall appear before the Delhi High Court Mediation and Conciliation Centre (DHCMCC) on 20.12.2016 at 3:30 PM. The parties shall endeavour to resolve the disputes within a period of six weeks, thereafter. In the event, the parties are able to resolve the disputes they shall communicate the same to the Co-ordinator DIAC and no further steps would be required to be taken thereafter for adjudication of the disputes. However, if the parties are unable to

resolve the disputes within the period as specified, they shall appear before the Co-ordinator as directed.

7. The petition is disposed of with the aforesaid observations.

DECEMBER 01, 2016
MK

VIBHU BAKHRU, J