

\$~8

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

+ **ARB.P. 660/2016**

USHA

..... Petitioner

Through: Mr Abhishek Goyal, Advocate.

Versus

MSX MALL PVT. LTD.

..... Respondent

Through: Mr Anshuman Sood, Advocate
alongwith AR of respondent.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

29.11.2016

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 between the parties that have arisen between them in relation to the Allotment Letter dated 07.06.2011.

2. The said Allotment Letter includes an arbitration clause, which is set out below:-

“25. In case of any dispute or any controversy arising out of or in connection with this allotment, the same shall be resolved through arbitration in accordance with the provisions of Arbitration and Conciliation Act, 1996 including any modification and amendment hereto. The Arbitrator shall comprise of a Sole neutral Arbitrator as appointed by the company. The venue of the Arbitration shall be in

Delhi and the decisions of the Arbitrator shall be final and binding on the parties."

3. In view of the disputes that have arisen between the parties, the petitioner had invoked the arbitration clause by a letter dated 03.08.2016.

4. The learned counsel appearing for the respondent does not dispute the existence of the agreement between the parties (the Allotment Letter) or the arbitration clause. He, however, submits that the controversy between the parties lies in a very narrow compass and can be resolved amicably.

5. Since the arbitration clause is not disputed, it is necessary that an arbitrator be appointed. 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 27.01.2017 at 11:00AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. In view of the respondent's submission that the disputes could be resolved amicably, the parties are directed to appear before the Delhi High Court Mediation & Conciliation Centre (DHCMCC) on 09.12.2016 at 3:30PM. The parties shall endeavour to resolve the disputes amicably within a period of four weeks commencing from 09.12.2016. If the parties are successful in resolving their disputes, they shall inform the Co-ordinator, DIAC and accordingly, no further steps would be required to be taken by DIAC. However, if the parties are unable to resolve the disputes amicably within the period as specified, the parties shall appear before the Co-ordinator, DIAC as directed for further resolution of their disputes by

arbitration.

7. The petition is disposed of.

NOVEMBER 29, 2016
RK

VIBHU BAKHRU, J