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

+ ARB.P. 260/2016

ACME DIGICOM PVT. LTD.

..... Petitioner

Through: Mr Bijoy Pradhan, Mr M. Fareed
Siddiqui and Mr Vineet Ranjan,
Advocates.

versus

ARYAN INFRATECH PVT. LTD.

..... Respondent

Through: Mr Mukesh Sharma, Advocate.

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, *inter alia*, praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to an agreement dated 02.04.2013 (Memorandum of Understanding / Agreement).
2. In view of the disputes that have arisen between the parties, the petitioner invoked the arbitration clause by a letter dated 01.09.2014. It is stated that the said notice was also not responded to by the respondent.
3. The said Memorandum of Understanding contained an arbitration clause, which is set out below:-

"... any dispute shall at any time arises between the parties hereto in respect of the meaning of the effect of any clause of this Agreement, rights and liabilities of the parties hereto, then such question or disputes shall be settled in accordance

with the provision of "Arbitrations and Conciliation Act, 1996 ...".

4. The learned counsel appearing for the respondent does not dispute the existence of the agreement or the arbitration clause. He, however, submits that the amount demanded by the petitioner in its legal notice is palpably erroneous. He further submits that there are serious disputes regarding the claim made by the petitioner since the petitioner did not render any services.

5. At this stage, it is not necessary to examine the rival contention as to the merits of the disputes. However, it is clear that disputes have arisen between the parties and an Arbitrator is required to be appointed to adjudicate the same.

6. Accordingly, with the consent of the parties, 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 21.12.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

7. The petition is disposed of.

VIBHU BAKHRU, J

DECEMBER 01, 2016
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