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

+ ARB.P. 635/2015

VEDIC BIOSOURCE R AND D PVT. LTD Petitioner
Through Mr.Rajan K. Chourasia, Adv.

versus

INTERNATIONAL HELICOPTERS LLC & ANR.

..... Respondents
Through Ms.Shalini Sharma, Adv. along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **04.08.2016**

No reply has been filed by the respondents. Even the cost has not been paid.

It is stated in the petition that an agreement was executed between the petitioner and the respondents on 11th October, 2012 for selling an Aircraft. As per the agreement, the respondents were to hand over the Aircraft to the petitioner within 60 days from the date of signing of the agreement. An amount of Rs.10,00,000/- was paid to respondent No.2, who was the Power of Attorney holder of respondent No.1, through RTGS on 19th October, 2012. However, the respondent failed to comply with the terms and conditions of the agreement. The petitioner through its official requested the respondents on several occasions for handing over the Aircraft but the respondents failed to handover the same. As per the terms and conditions of the agreement, the respondents are liable to refund the advance along with

penalty. On 15th February, 2015 the petitioner got issued a legal notice which was received back with the endorsement that the addressee was not found. Again on 7th October, 2015, the petitioner sent another notice through e-mail. However, the respondents did not give reply to the same. It is further stated in the petition that the agreement dated 11th October, 2012 contained provision for arbitration for settlement of the disputes. Hence, this petition has been filed by the petitioner.

Heard. In view of the averments made in the petition, the prayer made in the petition is allowed. As agreed, the matter is referred to the Delhi International Arbitration Centre ('DAC') who will appoint an Arbitrator in accordance with the provisions of the Act. The Arbitrator to adjudicate the disputes arising out of the agreement in question between the parties as mentioned in the present petition. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator. The parties to appear before the Centre on 17th August, 2016 at 4:00 pm.

The arbitration shall take place under the aegis of DAC. The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the Delhi International Arbitration Centre (Administrative Cost Arbitrator's Fees) Rules.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the Additional Coordinator, DAC forthwith.

MANMOHAN SINGH, J.

AUGUST 04, 2016/jk