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

+ ARB.P. 130/2016

GE T&D INDIA LTD

..... Petitioner

Through: Mr Debasish Mohapatra, Advocate.

versus

SCOT INNOVATION WIRES & CABLES PVT.
LTD & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.05.2017**

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 petitioner and respondents in relation to a Purchase Order dated 26.08.2011. The said Purchase Order includes an arbitration clause, which is set out below:-

“11. ARBITRATION

11.1 Any disputes arising out of this order shall be settled in terms of the Indian Arbitration and Conciliation Act, 1996 or any statutory amendments thereof.

11.2 It is clarified that pending reference to arbitration, the parties shall comply with their respective obligations under the contract and the supplies shall not be stopped unless dispute is of such a nature that it is not possible to continue with the supplies.”

2. The notice invoking the arbitration clause was issued by the petitioner on 16.07.2015. However, it is stated that the parties have been unable to concur on appointment of an arbitrator.
3. The notice of the present petition was served. However, none has been appearing on behalf of the respondents. It is seen that respondent no.2 is not a party to the Purchase Order and, therefore, no arbitration agreement exists between the petitioner and respondent no.2.
4. In view of the above, an arbitrator is required to be appointed to adjudicate the disputes between the petitioner and respondent no.1. Accordingly, it is directed that the arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). The parties/representatives of the parties shall appear before the Co-ordinator, DIAC on 30.05.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
5. The petition is disposed of.

VIBHU BAKHRU, J

MAY 19, 2017
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