

\$~32

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

+ **ARB.P. 176/2017**

N.S. ASSOCIATES PVT. LTD

..... Petitioner

Through: Mr M. Tarique Siddique, Mr Tanveer Ahmad, Mr Harsh Priya and Ms Reetika Gupta, Advocates.

versus

**INDIAN INSTITUTE OF MANAGEMENT
LUCKNOW**

..... Respondent

Through: Mr Rajesh Chhetri, Mr Pawan Upadhyay and Mr Krishna Kanodia, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 16.05.2017

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 between the parties. The learned counsel for the respondent submits that although an arbitrator was appointed on 09.02.2017 but the communication regarding the same was not sent to the petitioner. The petitioner has also raised various disputes as to the manner in which the arbitrator has been appointed.
2. It is an admitted case that the communication regarding appointment of the arbitrator was sent to the petitioner only after the present petition was filed and only after the advance copy was sought to be served on the

respondent. The learned counsel for the petitioner has relied on the decision of the Supreme Court in *Bipromasz Bipron Trading SA v. Bharat Electronics Limited (Bel)*: (2012) 6SCC 384 in support of his contention that an appointment of an arbitral tribunal would be effective only once the same is communicated to the affected parties; that is; the petitioner.

3. The learned counsel for the respondent has no objection if an arbitrator is appointed under the aegis of Delhi International Arbitration Centre (DIAC).

4. With the consent of the parties, it is directed that an arbitrator be appointed under the Rules of DIAC. The parties are directed to 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 16, 2017
MK