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

+ **ARB.P. 305/2016**

VINOD KR. SHARMA

..... Petitioner

Through Mr Neeraj Malhotra, Advocate.

versus

SAT NARAIN SHARMA

..... Respondent

Through Mr K.K. Sharma, Advocate and Mr S
Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.03.2017

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the partnership deed dated 01.04.1975. The said deed contains an arbitration clause which reads as under:-

“That in the event of any dispute between the parties hereto with regard to their rights and obligations etc. the matter shall be settled by arbitration as provided under the 'Indian Arbitration Act' as in force from time to time.”

2. The respondent does not dispute the partnership deed or the arbitration clause. He, however, submits that the parties are endeavouring to settle their disputes and the same are likely to be resolved before the Delhi High Court Mediation and Conciliation Centre (DHCMCC).

3. Learned counsel for the petitioner concurs with the aforesaid

submission.

4. In the circumstances, 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 30.05.2017 at 11:00 A.M. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. In view of the statement that the parties are endeavouring to settle their disputes before the DHCMCC, it is directed that the parties may continue their efforts to resolve the disputes amicably and no steps would be taken for constitution of the arbitral tribunal before 30.05.2017. In the event, the parties are able to resolve the disputes they shall communicate the same to the Co-ordinator DIAC and no further steps would be required to be taken thereafter for adjudication of the disputes. However, if the parties are unable to resolve the disputes on or before 29.05.2017, they shall appear before the Co-ordinator as directed and join the arbitral proceedings for adjudication of the disputes, as directed.

6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

MARCH 01, 2017

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