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

+ **ARB.P. 265/2016**

NEER ENTERPRISES Petitioner
Through **Ms.Rati Tandon and Mr.Alok**
Aggarwal, Advs.

versus

JEEVAN DIESAL & ELECTICALS LTD Respondent
Through **None**

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **02.08.2017**

1. This petition is filed under section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the dispute between the parties.
2. Despite service none is appearing for the respondent. The respondent is proceeded ex parte.
3. It is the case of the petitioner that on 23.4.2013 after detailed deliberation respondent agreed to supply 600KVA Silent Generator Set. On the same date, a purchase order was issued in favour of the respondent to supply the same for an amount of Rs.33,50,000/- on Ex Works Pondicherry basis. An advance of 20% was made through RTGS. The respondent issued an advance bank guarantee. Later on, at the request of the respondent, the purchase order was amended on 3.08.2013.
4. Disputes having arisen between the parties on 02.11.2015 the petitioner invoked the arbitration clause. The purchase order dated 23.04.2013 has an arbitration clause, namely, clause No.16 which states that

all disputes and differences arising out of or in respect of the transaction shall be subject to arbitration as per Arbitration and Conciliation Act, 1996.

5. Accordingly, I appoint Shri Hemant Gupta, Advocate (Mobile No.9899009971) as the Sole Arbitrator to adjudicate the dispute between the parties. The arbitration will be held under the aegis of the Delhi International Arbitration Centre. The learned Arbitrator shall file necessary declaration under Section 12 of the Arbitration and Conciliation Act, 1996. A copy of this order be sent to the DIAC.

6. Petition stands disposed of. All pending applications, if any, stand disposed of.

JAYANT NATH, J

AUGUST 02, 2017

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