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

+ ARB.P. 249/2017

ABHIMANYU GHOSE Petitioner
Through Mr.Harpreet Singh Uppal, Adv.

versus

MR. SAIMIK SEN Respondent
Through Mr. Ranjan Mukherjee and Mr.
S.Bhowmik, Advs.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
12.09.2017

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This petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking appointment of a sole Arbitrator to adjudicate the disputes between the parties.

Learned counsel for the respondent has entered appearance. He submits that incorrect and false allegations have been levelled against the respondent in the present petition. However, as there exists an arbitration clause, without prejudice to his rights and contentions and without in any manner accepting the allegations made by the petitioner, the respondent has no objection in case an arbitrator is appointed to adjudicate the disputes between the parties.

Clause 15 of the Amended Partnership Deed dated 22.04.2015 has an

arbitration clause.

Accordingly, I appoint Sh.Hemant Gupta, Advocate (Mobile No.9899009971) as the Sole Arbitrator to adjudicate the disputes between the parties. He will act under the newly Amended Arbitration and Conciliation Act, 2006. The arbitration proceedings will take place under the aegis of the Delhi International Arbitration Centre (DIAC). A copy of this order be sent to DIAC.

At this stage, learned counsel for the respondent submits that he would like to try and settle the matter through mediation in accordance with Clause 16 of the Partnership Deed.

Parties may appear before the Delhi High Court Mediation and Conciliation Centre on 22.09.2017 at 2.00 P.M.

The learned Arbitrator is requested to withhold the proceedings for a period of 45 days to await the outcome of the mediation.

The petition stands disposed of.

JAYANT NATH, J

SEPTEMBER 12, 2017