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

+ **ARB.P. 285/2017**

DOOSAN INFRACORE CONSTRUCTION
EQUIPMENT INDIA PVT. LTD.

..... Petitioner

Through Mr Ravi Sikri, Senior Advocate with
Mr Deepank Yadav, Advocate.

versus

PUNJ LLOYD LTD.

..... Respondent

Through Mr Shambhu Sharan Ms gunjan Chhabra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.05.2017

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 parties in relation to purchase orders dated 22.11.2010, 23.02.2011 and 06.04.2010. All the purchase orders (three in number) include an identically worded arbitration clause which reads as under:-

“H. ARBITRATION

Any dispute or differences between the Parties hereto arising out of any issue related to the Purchase Order shall be referred to arbitration by a sole arbitrator selected by the Buyer. The venue of Arbitration shall be at New Delhi.”

2. The petitioner had issued a legal notice dated 29.10.2015 seeking that the disputes be referred to arbitration. The respondent had responded to the aforesaid letter calling upon the petitioner to reconcile the accounts.

3. The existence of the arbitration clause or the purchase orders is not disputed, however, the learned counsel for the respondent states that there is serious dispute as to the maintainability and merits of the claims.
4. Admittedly, the parties failed to concur on appointment of an arbitrator.
5. Accordingly, it is directed that an arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The parties/representatives of the parties shall appear before the co-ordinator, DIAC on 03.07.2017 at 11:00 a.m. The arbitration shall be conducted under the aegis of DAC and in accordance with its Rules.
6. It is clarified that all contentions of the parties are open including as to the maintainability as well as merits of the claims/disputes.
7. The petition is disposed of.

VIBHU BAKHRU, J

MAY 25, 2017
pkv