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

+ O.M.P. (T) (COMM.) 50/2016 and IA No.8422/2016

COUNCIL FOR ECONOMIC AND SOCIAL
RESEARCH

..... Petitioner

Through: Ms Shobhna Takiar, Advocate.

versus

UNION OF INDIA THROUGH MINISTRY OF
HEALTH AND FAMILY WELFARE & ANR. Respondents

Through: Mr Sanjib Kumar Mohanty, Senior
Panel Central Government Counsel.
Mr A.H. Ramteke, Dy. Director,
Ministry of Health & FW and Mr
B.B. Garg, Senior Statistical Officer,
Ministry of Health & FW.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.04.2017**

1. The petitioner has filed the present petition under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that the mandate of the arbitral tribunal be declared as terminated.

2. The principal case of the petitioner is that the respondents had unilaterally proceeded to appoint an arbitrator without the consent of the petitioner which is contrary to the arbitration clause. She further states that the petitioner has no objection if the parties are referred to the Delhi International Arbitration Centre (DIAC) for adjudication of the disputes that have arisen between the parties in connection with the agreement

dated 16.12.2008.

3. The learned counsel for the respondents also submits, on instructions, that the parties be referred to DIAC and the mandate of the arbitral tribunal presently constituted be terminated.

4. In view of the above, the present petition is allowed. The arbitral tribunal presently constituted does not have any jurisdiction to proceed any further.

5. With the consent of the parties, they are referred to DIAC. Accordingly, it is directed that an Arbitrator be appointed under the Rules of the DIAC. The representatives of the parties shall appear before the Co-ordinator, DIAC on 12.05.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

APRIL 11, 2017
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