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

+ **ARB.P. 257/2017**

LOYOLA GROUP SCHOOLS

..... Petitioner

Through Mr. Y. Rajagopala Rao, Mr. K Sharat
Kumar and Mr. Manjeet Kripal,
Advocates

versus

EDU SMART SERVICES PRIVATE LIMITED & ANR.

..... Respondents

Through Mr. Ashutosh Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.05.2017

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes between the parties which has arisen in connection with the tripartite agreement dated 30.09.2008. The said agreement includes an arbitration clause which is set out below:-

“9.1 ARBITRATION

It any dispute or difference of any kind whatsoever arise between the parties in connection with or arising out of this Agreement or any part thereof, such dispute or difference shall be referred to an acceptable sole Arbitrator under the provisions of the Indian Arbitration and Conciliation Act, 1996, or any enactment or modification there under. The sole Arbitrator shall be appointed by

Party A. The venue for arbitration shall be at New Delhi and the language shall be English. The courts in New Delhi shall have jurisdiction to entertain all disputes between the parties.”

2. The respondents proceeded unilaterally to appoint an arbitrator to adjudicate the disputes. After some arguments, the learned counsel for the parties have agreed that a sole arbitrator is appointed under the rules of Delhi International Arbitration Centre (DIAC) to adjudicate the disputes between the parties in relation to agreement dated 31.12.2010.
3. It is therefore, directed, with the consent of the parties, that the arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). The parties shall appear before the Co-ordinator, DIAC on 15th May, 2017 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
4. The petition stands disposed of.

VIBHU BAKHRU, J

MAY 04, 2017
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