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

+ O.M.P.(I) (COMM.) 158/2017

B.E.C INDIA PVT LTD ..... Petitioner  
Through Mr.Abhinav Hansaria, Advocate

versus

PSA IMPEX PVT LTD ..... Respondent  
Through Mr.Kamal Kapoor, Advocate

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
% **21.09.2017**

The present petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996.

The respondent vide interim order dated 24.05.2017 passed by this court were restrained from selling two of their flats situated at colony GH-06 B, Sector Chi V, Greater Noida, U.P.

At this point, learned counsel for the parties have jointly requested this Court for appointment of a sole arbitrator by this court to adjudicate the disputes between the parties.

Relevant arbitration clause of the Licence Agreement dated 31.07.2017 reads as follows:

**“14. JURISDICTION AND DISPUTES**

a. It is agreed by and between the parties hereto that all the disputes arising out, in relation to or in connection with this AGREEMENT shall be resolved by means of arbitration by three Arbitrators and provisions of Indian Arbitration and Conciliation Act 1996 or any modification thereof shall govern

the said arbitration proceedings.

b. Each party shall bear their respective costs. The language of Arbitration shall be English and the venue of Arbitration shall be New Delhi. The Award shall be binding on the Parties hereto.

c. The Exercise of any disputes shall not render to withholding of the monthly LICENSE FEE and maintenance charges for any reasons whatsoever including during the pendency of arbitration proceedings.

d. The courts at Delhi shall have Exclusive Jurisdiction to deal with all matters.”

Accordingly, the interim order dated 24.05.2017 is confirmed and the same shall continue to operate till pendency of the arbitration proceedings.

Accordingly, Ms. Nandita Rao Additional Standing Counsel (Criminal) (Mobile No. 9999031918) is appointed as the sole arbitrator to adjudicate the dispute between the parties. The arbitration shall take place under the aegis of Delhi International Arbitration Centre, New Delhi (*in short ‘The DIAC’*). A copy of this order be sent to the DIAC.

The parties to appear before the DIAC on 30.10.2017 at 2.00 p.m.

Petition stands disposed of.

**JAYANT NATH, J.**

**SEPTEMBER 21, 2017/v**