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

+ ARB.P. 313/2017

M/S AMPLIFON (INDIA) PVT. LTD. (FORMERLY KNOWN AS
NHC HEARING CARE (INDIA) PVT. LTD.),..... Petitioner

Through Mr.Kamal Gupta, Adv. alongwith AR
of the petitioner

versus

PRIMUS HEALTHCARE PVT. LTD. THROUGH ITS DIRECTOR
& CEO Respondent

Through Mr.Rajat Bhalla and Mr.Sumit
Dubey, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **11.09.2017**

1. This petition is filed under section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator in terms of Clause 14.2 of the Agreement dated 10.5.2010 between the parties and in case of dispute between the parties same shall be referred to a Sole Arbitrator to be mutually decided by the parties. In case both the parties fail to appoint a Sole Arbitrator each of the parties would respectively nominate an Arbitrator and the two Arbitrators then appoint the third Arbitrator.

2. Learned counsel for the respondent submits that though according to the respondent there is no dispute which is capable of adjudication by the learned Arbitrator he has no objection if this issue is kept open for adjudication and the disputes are referred to a Sole Arbitrator.

3. Learned counsel for the petitioner has no objection to the above submission of the respondent.

4. Accordingly, Shri Vivek Saharya, Advocate (Mobile No. 9811156831) is appointed as a Sole Arbitrator to adjudicate the dispute between the parties. The arbitration shall be held under the aegis of Delhi International Arbitration Centre. A copy of this order be sent to the learned Arbitrator and to DIAC.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

SEPTEMBER 11, 2017

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