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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 670/2016

KMAC ENVIRONMENTAL SERVICES PVT. LTD..... Petitioner
Through: Mr. Pawan Kumar Mittal, Advocate.

versus

MOOLCHAND HEALTHCARE PVT. LTD. Respondent
Through: Mr.Gaurav Bahl, Ms. Ashna Abrol,
Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.01.2017

1. The only objection raised by the learned counsel for the Respondent to the appointment of Arbitrator by this Court is that the contract was to be performed in Agra. This is despite the arbitration clause stating that the venue of arbitration would be Delhi and that the arbitration would be subject to jurisdiction of courts in Delhi.
2. The Court is unable to agree with the above submission. Both the parties are located in Delhi. The agreement was entered into between the parties in Delhi. Clause 8.2 of the agreement states that it will be subject to the jurisdiction of the Courts in Delhi and Clause 9.2 states that the arbitration shall be conducted in New Delhi. The jurisdiction of this Court to entertain the present petition is not in doubt.
3. The Court, accordingly, appoints Ms. Iram Majid, Advocate (Mobile No. 9868407411) as sole Arbitrator to adjudicate the disputes between the

parties including their claims and counter-claims. In the first instance, the proposed Arbitrator will make a disclosure in terms of Section 11 (8) read with Section 12 (1) of the Act and, thereafter, enter upon reference. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The DAC will provide to the parties copies of the said disclosure.

4. Subject to compliance with the above directions, Ms. Iram Majid will act as Arbitrator and enter upon reference. The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Arbitrators' Fees) Rules.

5. The petition is disposed of. A copy of this order be communicated to Ms. Iram Majid as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

JANUARY 20, 2017

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