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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 749/2016

BANYAN TOURS AND TRAVELS PVT. LTD. Petitioner

Through: Ms Anannya Ghosh, Advocate

versus

TEAMDECODE SOFTWARE PVT. LTD. Respondent

Through: Mr V. Sridhar Reddy, Advocate for R-1

Ms Shweta Gupta, Advocate for R-2

CORAM: JUSTICE S.MURALIDHAR

ORDER

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01.03.2017

1. This is a petition under section 11(6) of the Arbitration and Conciliation Act, 1996 ('the Act') seeking appointment of sole Arbitrator to adjudicate the disputes between the parties arising out of the Professional Services Agreement dated 4th November, 2013.

2. Although the existence of the arbitration clause in the Agreement is not denied, the contention of the learned counsel for the Respondent is that the agreement came to an end on 31st March, 2014 and neither party arrived at a mutual agreement to extend the deadline beyond that date.

3. The above submission overlooks the settled legal position that an arbitration clause survives the agreement between the parties. If it is the contention of the Respondent that any of the claims of the Petitioner are time-barred or untenable in law, that aspect will be examined by the

Arbitrator appointed by the Court.

4. The Court, therefore, appoints a sole arbitrator to adjudicate the disputes between the parties. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC').

5. The parties will appear before the DAC on 20th March, 2017 at 11:00 am for further steps in this regard.

6. The petition is disposed of. A copy of this order be sent to the Additional Coordinator DAC forthwith.

S.MURALIDHAR, J

MARCH 01, 2017

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