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

+ ARB.P. 436/2017

GARG BUILDERS Petitioner
Through Mr.Sanjay Bansal, Adv.

versus

ENGINEERS INDIA LIMITED Respondent
Through Ms.Anupam Dhingra, Adv. along
with Mr.Vijay Kumar and Mr.Bipin
Chandra, officers from EIL.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.11.2017

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of an Arbitrator for adjudication of the dispute that have arisen between the parties under the agreement for "Site Development and other Miscellaneous Work for EIL's New Office Complex at Sector-16, Gurgaon, Haryana" dated 10.01.2013.

Learned counsel for the respondent, on instructions from the officers present in Court, submits that the respondent has no objection if the parties are referred to Delhi International Arbitration Centre (DIAC) for appointment of an Arbitrator for adjudication of the dispute between the parties. She further submits that in the meantime, the respondent would be making endeavour for amicable settlement of the dispute. She submits that bonafide of the respondent is evident from the fact that during the pendency

of the case, the bank guarantee has already been released in favour of the petitioner.

Be that as it may be, with the consent of the parties, they are referred to Delhi International Arbitration Centre (DIAC) who shall appoint a Sole Arbitrator to adjudicate the disputes between the parties arising from the above mentioned agreement. The arbitration and the fee shall be governed by the rules of the DIAC.

The parties to appear before DIAC on 19th December, 2017 at 2:00 PM.

It is made clear that the appointment of the arbitrator will not come in the way of the parties to try for an amicable settlement of the dispute during this interim period and in case a settlement is reached, DIAC will be accordingly informed by the parties, so that it need not to proceed with appointment of an Arbitrator.

The petition is allowed with the above terms.

NAVIN CHAWLA, J

NOVEMBER 23, 2017/vp