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

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Judgment delivered on: 04.07.2017

+ ARB.P. 340/2017

AKS SOFTWARE LTD

..... Petitioner

versus

DELHI MSW SOLUTIONS LTD (RAMKY)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Saurabh Bhargavan, Adv.

For the Respondents : Mr. Matrugupta Mishra and Mr. Nishant Kumar, Advs.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks appointment of Arbitrator under Section 11(6) of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act').

2. The parties on 16.06.2011 had entered into an agreement whereby the respondent had sought the services of the petitioner for *inter-alia* providing professional Vehicle Tracking services for monitoring Fleet of Vehicles for Solid Waste Management and other allied service in National Capital Territory of Delhi.

3. Disputes have arisen between the parties.

4. The agreement, inter-alia, provides as under:-

“12.3. - Indian Law Governs: This agreement shall be governed by the laws of India and shall be construed in accordance therewith. Arbitration will be conducted in New Delhi, India as per Indian Arbitration Act, if required. The prevailing party shall be entitled to recover all costs, expenses and reasonable attorney fees incurred in such action. Nothing in this Agreement shall be deemed a waiver of either party of any and all available legal or equitable remedies.”

5. Learned counsel appearing for the respondent does not dispute the arbitration agreement between the parties and submits that without prejudice to the rights and contentions of the parties Arbitrator may be appointed under the Rules of Delhi International Arbitration Centre to adjudicate the claims of the petitioner as well as the counter claims of the respondent.

6. In view of the above, it is directed that an arbitrator be appointed under the Rules of Delhi International Arbitration Centre. The parties shall appear before the Co-ordinator, Delhi International Arbitration Centre on 20.07.2017 at 11:00 AM. The arbitration shall be conducted under the aegis of Delhi International Arbitration Centre and in accordance with its rules.

7. The petition is disposed of accordingly.

SANJEEV SACHDEVA, J

JULY 04, 2017/‘rs’