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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 2/2017

GAURAV ENTERPRISES

..... Petitioner

Through: Mr Mridul Jain, Advocate

versus

MEDICAL SUPERINTENDENT

..... Respondent

Through: Mr Vaibhav Mishra and Mr Vinod Bhati,
Advocates for Mr Amit Singh, Advocates

CORAM: JUSTICE S. MURALIDHAR

ORDER

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17.02.2017

1. Learned Counsel for the Respondent seeks some more time to seek instructions.
2. Notice in the petition was issued in the presence of learned counsel for the Respondent one month ago. Further, the Petitioner's notice invoking the arbitration clause in the agreement dated 14th October, 2014 was sent to the Respondent way back on 6th June, 2016. It is shown to have been received by the Respondent on 23rd June, 2016. With no reply forthcoming to the said notice, the present petition has been filed. There has been sufficient time, therefore, for the Respondent to decide on the Petitioner's request for reference of the disputes to arbitration.
3. The Court, in terms of Section 11 (6A) of the Arbitration and Conciliation Act 1996 as inserted with effect from 23rd October 2015, is only to examine if there is an arbitration clause in the agreement between the parties. From a

perusal of the agreement in question, it is apparent that such a clause does exist. It is also not controverted that the notice of invocation of arbitration clause seeking the appointment of an Arbitrator was in fact served on the Respondent on 23rd June, 2016.

4. Any plea by way of defence that the Respondent may have, including its counter-claim if any can be examined in the arbitration proceedings.

5. The Court therefore appoints a Sole Arbitrator to adjudicate the disputes between the parties, including their claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC').

6. The parties will appear before the DAC on 9th March, 2017 at 11 am for further steps in this regard.

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

S.MURALIDHAR, J

FEBRUARY 17, 2017
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