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

+ **ARB.P. 6/2017**

DOLPHIN MART LTD

..... Petitioner

Through: Mr Nitin Kumar Singh and Mr P. I.
Jose, Advocates.

versus

MEGHRAJ BISCUIT INDUSTRIES LTD

..... Respondent

Through: Mr Vibhor Garg and Ms Piya
Agarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.02.2017

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an Arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to an agreement dated 28.09.2015.
2. The said agreement contains an arbitration clause, which reads as under:-

“ 21. Arbitration

Any disputes or differences whatsoever arising between the parties out of or relating to the construction, meaning and operation or effect of this contract or the breach thereof shall be settled by arbitration in accordance with the rules contained under the Arbitration & Conciliation Act, 1996 and the Award made in pursuance thereof shall be final and binding on the parties.

3. The petitioner sent a letter dated 08.07.2016 informing the respondent as to its claims. Thereafter, on 13.07.2016, the respondent sent a legal notice invoking the arbitration clause seeking appointment of an arbitrator. The petitioner responded to the aforesaid notice suggesting that the disputes be settled under the aegis of Delhi International Arbitration Centre (DIAC).

4. The learned counsel appearing for the respondent does not dispute the existence of the agreement dated 28.09.2015 or the arbitration clause; he, however, submits that the differences between the parties can be amicably resolved by mediation. He suggests that the parties be referred to the Delhi High Court Mediation and Conciliation Centre (DHCMCC) in the first instance.

5. In view of the disputes between the parties and in view of the fact that the arbitration clause has been invoked and arbitrator has not been appointed, an Arbitrator is required to be appointed to adjudicate the disputes between the parties. Accordingly, Ms Manmeet Arora, Advocate (Mobile No. 9811333871) is appointed as an Arbitrator to adjudicate the disputes.

6. However, since it is suggested that the parties can amicably resolve the disputes, the parties in the first instance are referred to the DHCMCC. The parties shall appear before the DHCMCC on 28.02.2017 at 11:00 AM. The parties shall endeavour to resolve their disputes within a period of six weeks from the said date. In the event, the parties are able to resolve the disputes they shall communicate the same to the arbitrator and no further

steps would be required to be taken thereafter for adjudication of the disputes. However, if the parties are unable to resolve the disputes on or before 30.04.2017 they shall approach the arbitrator for commencing further proceedings. The Arbitrator shall not enter reference till 01.05.2017.

7. The aforesaid appointment is subject to the Arbitrator making the necessary disclosure under Section 12 of the Act and not being ineligible under Section 12(5) of the Act.

8. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

FEBRUARY 20, 2017
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