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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 652/2017 & IA 11945/2017**
THE VVS MODERN GURUKUL Petitioner
Through: Mr.Rajeev Kumar, Adv.

versus

M/S EDUCOMP SOLUTIONS LTD & ORS. Respondents
Through: Mr.Achint Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.11.2017**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner stating that certain disputes have arisen between the parties pursuant to the Agreement dated 21st February, 2010 for Smart Class Programme. The said agreement contains an Arbitration agreement in clause 9.1 of the same. Respondent no.3 has been appointed by respondent nos.1 and 2 as a Sole Arbitrator. Making a grievance that the said Arbitrator may not be eligible under section 12 of the Act and also that he has been appointed unilaterally by the respondent, the present petition has been filed before this Court.

Counsel for the respondent nos.1 and 2 enters appearance. He is directed to file his vakalatnama within one week from today.

On instructions, he submits that respondent nos.1 and 2 have no objection if the respondent no.3 is substituted as an Arbitrator and the disputes are referred to the Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator for adjudication of the

disputes.

In view of the submissions made, I hereby direct the parties to appear before the DIAC on 4th December, 2017 at 2.00 PM.

DIAC shall appoint a Sole Arbitrator to adjudicate the disputes between the parties arising out of the agreement dated 21st February, 2010.

The arbitration proceedings will start afresh before the Sole Arbitrator. The arbitration proceedings and the fee will be in accordance with the DIAC Rules.

The petition is allowed in the above terms.

NAVIN CHAWLA, J

NOVEMBER 13, 2017
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