

\$~8

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

+ **ARB.P. 19/2018**

INTEX TECHNOLOGIES (INDIA) LTD.

THROUGH ITS AUTHORIZED REPRESENTATIVE

MR. AJAY KUMAR

..... Petitioner

Through: Mr Sumit Kumar and Mr Hemant
Kumar, Advocates.

versus

SANTOSH KUMAR PRASAD @ SANTOSH KUMAR

PRASAD GUPTA @ SANTOSH KUMAR GUPTA

(PROPRIETOR OF M/S SANTOSH

..... Respondent

Through: Mr R.K. Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

22.02.2018

1. The petitioner has filed the present petition 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 the Authorised Distributor Agreement dated 16.04.2012 (hereafter the 'Agreement').
2. The Agreement includes an arbitration clause, which reads as under:-

"14. ARBITRATION

(A) That any dispute regarding this agreement shall be referred to arbitration of one arbitrator if agreed upon or to two arbitrators one to be appointed by each party and the arbitration will be governed under the Arbitration & Conciliation Act, 1996 or any amendment thereof."

3. In view of the disputes that have arisen between the parties, the petitioner invoked the arbitration clause by a letter dated 08.10.2015. The claims made by the petitioner in the said letter were denied by the respondent. However, the respondent did not consent to the appointment of the arbitrator as proposed by the petitioner. The learned counsel for the parties state that in the circumstances, this Court may appoint an arbitrator.

4. Accordingly, with the consent of the learned counsel for the parties, it is directed that an arbitrator be appointed by the Delhi International Arbitration Centre (DIAC). The arbitration shall be conducted under the aegis of DIAC in accordance with its rules and regulations.

5. The parties shall appear before the Coordinator, DIAC on 01.03.2018 at 11:00 AM for further proceedings.

6. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 22, 2018
RK