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

+ ARB.P. 28/2018

AMAZING RESEARCH LABORATORIES LTD. Petitioner
Through Mr.Sunil Kumar Kharwar, Adv.

versus

KRISHNA PHARMA Respondent
Through Mr.P.Jegan, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **05.04.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 12.11.2012 as renewed from time to time with the last renewal being dated 22.05.2015. Clause 21 of the said agreement contains an Arbitration Agreement between the parties and is reproduced herein below:

“(21) Any difference or dispute arising out of or in relation to anything contained herein shall be referred to arbitration. The arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof for the time being in force. The place of arbitration shall be Delhi.”

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement by way of its notice dated 28.11.2017. The respondent, by its reply dated 05.12.2017 refused to give the consent to the appointment of the Arbitrator proposed by the petitioner.

Upon notice being issued in the present petition, the respondent entered appearance on 13.02.2018 and was granted time to file the reply. No reply has been filed by the respondent.

Learned counsel for the respondent submits that the respondent has no objection if an Arbitrator is appointed for adjudicating the disputes that have arisen between the parties.

In view of the above, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.

At the request of the parties, the parties are referred to Delhi International Arbitration Centre (DIAC) where they shall appear on 24th April, 2018 at 2.00 p.m. DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The arbitration and the fee shall be governed by the DIAC rules.

The petition is allowed in the above terms with no order as to cost.

Dasti.

NAVIN CHAWLA, J

APRIL 05, 2018/Arya