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

+ **ARB.P. 68/2018**

COMFORT CARE SYSTEM PVT.LTD. Petitioner

Through: Ms Rajasree, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Ms Kanika Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.04.2018

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 connection with the 'Licence Deed' dated 13.12.2001 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which is set out below:-

“29 That in case of any dispute arising between the licensor and the licensee in respect of the interpretation or performance of any terms or conditions of this licence, the same shall be referred to the sole arbitration of the Vice Chairman, Delhi Development Authority whose decision thereon shall be final and binding on both the parties. The licensee shall not object to the Vice Chairman of the Delhi Development Authority being the Sole arbitrator on the ground that he had dealt with the case or had at some stage expressed an opinion in any matter connected therewith. The venue of the arbitration shall be in Delhi.”

2. In view of the amendments introduced in the Act by virtue of the Arbitration and Conciliation (Amendment) Act, 2015, the Vice Chairman, DDA is no longer eligible to act as an Arbitrator. In the circumstances, it is not disputed that the petitioner had invoked the aforementioned arbitration clause.
3. With the consent of the parties, it is directed that a sole arbitrator be appointed by the Delhi International Arbitration Centre (DIAC) for adjudication of the disputes that fall within the scope of the aforementioned arbitration clause. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The parties are directed to appear before the Co-ordinator, DIAC on 23.04.2018 at 11:00 AM.
4. It is clarified that all rights and contentions of the parties are reserved.
5. The petition is disposed of.
6. Order *dasti*.

VIBHU BAKHRU, J

APRIL 06, 2018
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