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

+ **ARB.P. 30/2018**

M/S. SUNEHARI BAGH BUILDERS PVT. LTD. Petitioner

Through: **Mr Bharat Bhushan Dharmani,**
Advocate.

versus

**INDIRA GANDHI NATIONAL OPEN
UNIVERSITY & ANR.**

..... Respondents

Through: **Mr Harmeet Singh Rupran, Advocate.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.05.2018

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 an agreement dated 06.05.2011 (hereafter 'the Agreement').

2. In view of the disputes that had arisen between the parties, the petitioner had issued a notice dated 01.04.2016, *inter alia*, requesting that the claims stated therein be referred to arbitration and this was also followed by another notice dated 17.02.2017. However, it is stated that the petitioner did not receive any response to the said letters. Thereafter, the petitioner issued another notice dated 25.07.2017 once again requesting that the disputes be referred to arbitration.

3. In view of the above, there is no dispute that an arbitration agreement (clause) exists between the parties. It is also apparent that the petitioner had

invoked the arbitration clause. However, neither the said disputes were referred to the Disputes Redressal Committee (DRC) nor were referred to arbitration.

4. Accordingly, with the consent of the learned counsel appearing 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 23.05.2018 at 11:00 AM for further proceedings.

6. The petition is disposed of.

VIBHU BAKHRU, J

MAY 03, 2018
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