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

+ **ARB.P. 61/2018**

M/S AERO CLUB Petitioner

Through: Ms.Poonam Lau, Adv.

versus

M/S AMBIENCE COMMERCIAL DEVELOPERS PVT LTD

..... Respondent

Through: Mr.Abhishek Bhardwaj and
Mr.Kashif Athar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.04.2018**

This petition was received on transfer pursuant to the order dated 09.01.2018 passed by the District & Sessions Judge, South District, Saket Court Complex, New Delhi in CIS-CS DJ-892-2017. The said order was passed on an application under Section 8 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Act') filed by the respondent.

In my view, the order of transfer could not have been passed as the only power under Section 8 of the Act is to refer the parties to arbitration in accordance with the law. For the said purpose, the parties would have to follow the procedure prescribed in the Arbitration Agreement and the suit itself cannot be treated as an application under Section 11 of the Act.

In view of the above, the petition is disposed of with no order as to cost.

NAVIN CHAWLA, J

APRIL 03, 2018/Arya