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

+ ARB.P. 94/2017

DOLPHIN INTERNATIONAL PVT. LTD Petitioner

Through: Mr. Shashank Mishra and Mr. P.I
Jose, Advs

versus

R. KRISHNARAJ

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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13.04.2018

The present petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Purchase Order dated 17th October, 2013 which contains the following Arbitration Agreement:

"Arbitration

All disputes or differences whatsoever arising between the parties out of or relating to the construction meaning and operation or effect of this contract or the breach thereof shall be settled by the arbitration in accordance with the rules of the arbitration of the Indian council of arbitration and the award in pursuance thereof shall be binding on the parties."

As the Arbitration is to be governed by the rules of Indian Council of Arbitration, the petitioner should approach the Indian Council of Arbitration

for appointment of an Arbitrator and without making such application and subsequent failure of the Indian Council of Arbitration to appoint the Arbitrator; the present petition would not be maintainable.

In view of the above, the counsel for the petitioner prays for leave to withdraw the present petition with liberty to approach the Indian Council of Arbitration with a request to appoint of an Arbitrator.

The petition is dismissed as withdrawn with liberty as prayed for.

NAVIN CHAWLA, J

APRIL 13, 2018/nk