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

+ ARB.P. 125/2018

DURGA ENTERPRISES

..... Petitioner

Through: Mr S. W. Haider, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr Jagjit Singh and Mr Preet Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.05.2018**

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 a contract dated 05.08.2015 for "*Provision of washable Apron on Line No.2 (As per plan Na.L-41 at Jagadhari Station under ADEN/Sharanpur*" (hereafter 'the Agreement').
2. The present petition was taken up for hearing on 06.04.2018 and this Court concluded that the arbitration agreement (clause) exists between the parties and the arbitrator had not been appointed despite the petitioner invoking the arbitration clause. However, there was some controversy whether the Arbitral Tribunal of three members is required to be constituted or whether a sole arbitrator is to be appointed. The learned counsel appearing for the respondent had sought time to take instructions in this

regard. He now submits that the controversy in this regard is resolved and there is no ambiguity that the subject disputes are to be adjudicated by an Arbitral Tribunal comprising of a sole arbitrator.

3. In view of the above and with the consent of the parties, it is directed that a Sole Arbitrator be appointed by the Delhi International Arbitration Centre (DIAC) to adjudicate the disputes falling within the scope of the arbitration clause. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The parties shall appear before the Co-ordinator, DIAC on 25.05.2018 at 11:00 AM.

4. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

MAY 04, 2018

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