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

+ ARB.P. 186/2018

NECTAR LIFESCIENCES LIMITED Petitioner
Through: Mr.Praveen Mahajan, Adv.

versus

THE GOVT OF NCT OF DELHI Respondent
Through: Mr.Anuj Aggarwal, ASG with
Ms.Deboshree Mukherjee, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **16.04.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Award of tender for the supply of Drugs/Medicines to the Department of Health and Family Welfare, Government of NCT of Delhi.

The petitioner was successful in the tender and the Purchase Orders issued in favour of the petitioner were in terms of the tender. The Arbitration Agreement between the parties is contained in Clause 10.3 of the tender and is reproduced herein below:

“10.3 Disputes and arbitration: All disputes or differences arising out of or in connection with the contract shall be resolved by the mutual discussion failing which the matter will be referred to the Secretary (H & FW), Govt. of NCT of Delhi or his nominee for arbitration whose decision

shall be binding on the contracting parties.”

The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 05.02.2016.

The respondent having failed to appoint an Arbitrator, the present petition was filed by the petitioner.

Notice of the petition was issued to the respondent on 12.03.2018. In spite of opportunity being granted, no reply has been filed to the petition.

Learned counsels for the parties submit that the parties may be referred to the Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Purchase Orders/Tender. Accordingly, parties are directed to appear before the DIAC on 2nd May, 2018 at 2.00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes between the parties. The Arbitration and the fee shall be governed by the DIAC rules.

The petition is allowed in the above terms with no order as to cost.

Dasti.

NAVIN CHAWLA, J

APRIL 16, 2018/Arya