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

+ ARB.P. 170/2018

P.E.C. LIMITED

..... Petitioner

Through: Mr Aakash Sehrawat, Advocate for
Mr Rajesh Kumar, Advocate.

versus

METKORE ALLOYS & INDUSTRIES LTD.
& ORS.

..... Respondents

Through: Mr Raghav Kakkar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.04.2018

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 agreements – 11 in number – dated 21.02.2014 entered into between the petitioner and respondent no.1. All the aforesaid agreements are similarly worded and include an arbitration clause, which reads as under:-

“23. All disputes or differences whatsoever arising between the PEC and MAIL out of or relating to the construction, meaning, scope, operation or effect of this Agreement or the breach thereof, shall be resolved amicably, falling which they will be settled by Arbitration in accordance with the Rules of Arbitration of Indian Council of Arbitration and the award made in pursuance thereof, shall be binding on the parties. The venue of Arbitration

will be New Delhi. The Award of Arbitration Tribunal will be subject to jurisdiction of courts at Delhi/New Delhi.”

2. The learned counsel appearing for the respondents does not dispute the existence of the arbitration clause. He further submits that the respondents would have no objection if the disputes between the petitioner and respondent no. 1 are referred to an arbitrator to be appointed by the Delhi International Arbitration Centre (DIAC).
3. With the consent of the parties, it is directed that an arbitrator be appointed by the DIAC to adjudicate the disputes that fall within the scope of the arbitration clause(s) as included in the aforementioned agreements. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. Since the agreements in question are similarly worded and the issues involved are common, the learned counsel appearing for the parties agree that the same arbitrator be appointed in respect of the disputes pertaining to all the aforesaid agreements. It is so directed.
4. The parties shall appear before the Coordinator, DIAC on 20.04.2018 at 11:00 AM for further proceedings.
5. The petition is disposed of in the above terms.
6. Order *dasti*.

VIBHU BAKHRU, J

APRIL 10, 2018
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