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

+ ARB.P. 232/2018

DERPA INDUSTRIAL POLYMERS (P) LTD THROUGH ITS
DIRECTOR SUSHIL KUMAR AGARWAL Petitioner
Through Mr.B.S. Mathur, Adv.

versus

UNION OF INDIA THROUGH SECRETARY, DEPARTMENT OF
DEFENCE PRODUCTION , MINISTRY OF DEFENCE & ANR.
..... Respondents
Through Mr.Ruchir Mishra, Mr.M.K.Tiwari
and Mr.Abhishek Rana, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **25.04.2018**

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 Supply Order No.A/2697/SO-03/UN MSN/CP CELL/JUNGLE SHOES dated 10.04.2013. The Arbitration Agreement between the parties is contained in Clause 22 of the General Condition of the Contract.

The disputes having arisen between the parties, the petitioner by its notice dated 26.07.2017 requested the respondent to appoint an Arbitrator.

The respondent by its reply dated 02.08.2017 forwarded the request to the concerned department. Admittedly, no Arbitrator has been appointed till date. Reply to the petition has also not been filed.

As the Arbitration Agreement between the parties and due invocation thereof by the petitioner is not denied by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Supply Order.

Keeping in view the amount of claim involved, the parties are directed to appear before the Delhi International Arbitration Centre (DIAC) on 8th May, 2018 at 2.00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Supply Order. 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 25, 2018/Arya