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

+ ARB.P. 235/2018

SAAIBABA TELEFILMS LTD

..... Petitioner

Through: Mr.Tariq Khan and Mr.Debojyoti
Sengupta, Advs.

versus

PRASAR BHARATI (BROADCASTING CORPORATION OF
INDIA)

..... Respondent

Through: Mr.Rajeev Sharma and Ms.Radha
Lakshmi R, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.10.2018

I.A. No.4063/2018 (Exemption)

Allowed, subject to all just exceptions.

ARB.P. 235/2018

1. 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 Agreement dated 05.04.2017 for Sourcing of Content on Prime Time of DD National Network as per the New Content Acquisition Scheme allotting the petitioner a slot from 7:30 p.m. to 8:00 p.m. on weekdays on DD National Channel. The said Agreement contains an Arbitration Agreement in form of Clause 49 thereof.

2. The disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 06.02.2018. Having received no response, the present petition was filed.
3. The respondent has not filed any reply to the petition. Learned counsel for the respondent submits that the respondent is in the process of considering the representation/claim of the petitioner for an amicable settlement.
4. As the existence of the Arbitration Agreement and due invocation thereof are not denied, in my opinion, there is no impediment for appointing the Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. In case the respondent in the meantime takes a decision in favour of a settlement, it can always seek closure of the arbitration proceedings based on such settlement.
5. With the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC), which shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.
6. The arbitration and fee shall be governed by the DIAC Rules.
7. The petition is disposed of with the above directions, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

OCTOBER 01, 2018/Arya