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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 286/2018

M/S JAI JAWAN HOUSING (OPC) PVT. LTD. Petitioner

Through: Mr.Kamal Gupta, Adv.

versus

M/S TWENTY FOUR CARAT CONSTRUCTIONS PVT. LTD.

..... Respondent

Through: Mr.Sunil Singh Parihar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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26.09.2018

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 an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Memorandum of Understanding dated 03.08.2016 executed between the parties. The Agreement contains an Arbitration Agreement in form of clause 7(XVI) thereof.

2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 06.12.2017. The petitioner also nominated its own arbitrator. The present petition was filed as the petitioner did not receive any response from the respondent.

3. Though, reply filed by the respondent is not on record, counsel for the respondent submits that the respondent has also nominated its own Arbitrator.

4. Counsels for the parties submit that instead of a three member Arbitral Tribunal, the disputes be referred to a Sole Arbitrator under the aegis of the Delhi International Arbitration Centre (DIAC).
5. Acceding to this request, the parties are directed to appear before the DIAC on 10.10.2018 at 2.00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the dispute that have arisen between the parties in relation to the abovementioned Memorandum of Understanding.
6. The DIAC rules as to procedure and fees shall apply to such arbitration proceedings.
7. With the above directions, the petition is disposed of, with no order as to costs.

NAVIN CHAWLA, J

SEPTEMBER 26, 2018
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