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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 346/2018

M/S CANADIAN SPECIALITY VINYLs Petitioner

Through: Mr.Ranjit Gambhir, Adv.

versus

M/S IND SWIFT LTD.

..... Respondent

Through: Ms.Nivedita Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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06.08.2018

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act'), for seeking appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the invoices raised by the petitioner on the respondent. The said invoices contained an Arbitration Agreement between the parties in form of clause 4 thereof.

“4. Dispute, if any, shall be subject to arbitration at Delhi.”

Alleging that the respondent had failed to make payments of the invoices, the petitioner filed a civil suit being CS No.696/2017 before the Court of District Judge, Central, Tis Hazari Courts, New Delhi.

In the said suit, the respondent filed an application under Section 8 of the Act claiming that in view of the Arbitration Agreement between the parties, the parties be referred to the arbitration.

By the order dated 20th September, 2017, the suit was disposed of giving liberty to the petitioner to initiate arbitration proceedings. The present petition has been filed as the parties could not arrive at a consensus on appointment of an arbitrator.

Counsel for the respondent submits that the respondent has no objection if an Arbitrator is appointed by this Court for adjudicating the disputes that have arisen between the parties in relation to the invoices raised by the petitioner.

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. The arbitration shall be held in accordance with the rules of the DIAC. The parties shall appear before the DIAC on 27th August, 2018 at 2.00 p.m.

The petition is disposed of with the above directions with no order as to costs.

NAVIN CHAWLA, J

AUGUST 06, 2018

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