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

\+ ARB.P. 361/2018

M/S DETAILING BLISS ..... Petitioner

Through Mr.Hitesh Kumar and Mr.Sahil Sood, Advs.

versus

M/S FRANCHISEE INDIA BRAND LTD & ORS. ..... Respondents

Through Mr.Bipin Bihar Singh and Mr.Mohit Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% 17.08.2018

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 an Arbitrator for adjudication of the disputes that have arisen between the parties in relation to the "Marketing and Recruitment Service Agreement" dated 27.04.2015. The said Agreement between the parties contains an Arbitration Agreement in form of Clause 17 thereof.

The disputes having arisen between the parties, the petitioner addressed a legal notice dated 09.03.2018 to the respondents invoking the Arbitration Agreement as also proposing a name of the Sole Arbitrator that may be appointed.

Having received no response from the respondents, the present petition has been filed by the petitioner.

Learned counsel for the respondents submits that though the existence of the Arbitration Agreement is not disputed, there are no disputes to be adjudicated between the parties.

I do not find any merit in the objection raised by the respondents. The petitioner is claiming breach of the contractual obligations on part of the respondents, the same being denied by the respondents, clearly there is a dispute to be adjudicated by the Arbitrator.

As the existence of the Arbitration Agreement and due invocation thereof are not denied by the respondents, I do not see any impediment in the appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

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. The Arbitration and the fee shall be governed by the DIAC Rules.

Parties shall appear before the DIAC on 10th September, 2018 at 2.00 p.m.

Dasti.

NAVIN CHAWLA, J

AUGUST 17, 2018/Arya