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

+ ARB.P. 385/2018

XCHANGING TECHNOLOGY SERVICES INDIA PVT.

LTD.

..... Petitioner

Through: Mr. Akshay Ringe with Mr.
Siddharth Joshi, Advs

versus

ADITYA POLYMERS & CHEMICALS INDIA PVT.

LTD.

..... Respondent

Through: Mr. S.K. Goyal with Mr. Aditya
Narain, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **30.07.2018**

1. Mr. S.K. Goyal enters appearance on behalf of the respondent.
2. Learned counsel concedes that proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 are under way *albeit* in the District Court.
3. In these circumstances, learned counsel for the respondent says that he does not dispute the existence of an arbitration agreement obtaining between the parties and that therefore, he does not wish to file a formal reply to the captioned petition.
4. Learned counsel for the parties, however, agree that before the arbitrator enters upon reference, the parties could attempt to reach a settlement in the matter via the intercession of the Delhi High Court

Mediation and Conciliation Centre (in short 'Centre')

5. Counsel for the parties also agree that even though the arbitration agreement provides for appointment of a panel of three arbitrators, in order to save cost, this Court, may appoint a sole arbitrator.

6. In these circumstances, the captioned petition is disposed of with the following directions:-

(i) Mr. Kamlesh Kumar, Retd. District and Sessions Judge, Delhi is appointed as an Arbitrator in the matter.

(ii) The arbitration proceedings will be governed by the rules and fee schedule stipulated by Delhi International Arbitration Centre.

(iii) Mr. Kamlesh Kumar, however, will not enter upon reference till 15.09.2018 or till such date that he may fix with the written consent of counsel for the parties.

7 In the interregnum, parties and their counsel will appear before the Mediator appointed by the Centre on 10.08.2018 at 3:00 pm.

RAJIV SHAKDHER, J

JULY 30, 2018

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