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

+ **ARB.P. 402/2018**

BYGGING INDIA LTD.

..... Petitioner

Through: Mr.S.K. Maniktala & Mr.Darpan
Sachdeva, Advs.

versus

PUNJ LLOYD LTD.

..... Respondent

Through: Mr.Vivek Jain & Mr.Manish
Shekhari, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.08.2018

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 adjudicating the disputes that have arisen between the parties in respect of the Letter of Acceptance No.PLL/PJIN01/ PM/25-01 dated 15.10.2010 and Sub Contract Agreement dated 17.11.2010. The said Agreement contains an Arbitration Agreement in form of Clause 22.7 thereof.

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 17.04.2018. The respondent vide its reply dated 16.05.2018 refused to appoint its nominee Arbitrator forcing the petitioner to file the present petition.

The learned counsel for the respondent submits that apart from the above mentioned Letter of Acceptance and the Sub Contract Agreement, there are two further Letter(s) of Acceptance both dated 04.09.2012

executed between the parties and infact, in these two Letter(s) of Acceptance there is no Arbitration Agreement between the parties.

The learned counsel for the petitioner submits that in the present petition and even before the Arbitrator, the petitioner would confine its claim with respect to the Letter of Acceptance dated 15.10.2010 and Sub Contract dated 17.11.2010.

In view of the submission made by the counsel for the petitioner, I see no impediment in appointing an Arbitrator.

At this stage the counsel for the parties submit that instead and in place of a three member Arbitral Tribunal, the parties may be referred to the Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Letter of Acceptance dated 15.10.2010 and Sub Contract dated 17.11.2010.

In view of the submissions made, I direct the parties to appear before the DIAC on 6th September, 2018 at 2:00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties. The Arbitration shall be conducted in accordance with the DIAC rules.

The petition is disposed of with the above direction and with no order as to cost.

NAVIN CHAWLA, J

AUGUST 07, 2018/rv