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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 655/2018

GAURAV SABHARWAL

..... Petitioner

Through: Mr.B.K.Sharma, Adv.

versus

USHA SHRIRAM ENTERPRISES PVT.LTD. & ORS.

..... Respondents

Through: Mr.Kewal Singh Ahuja, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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20.12.2018

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 Agreement dated 01.07.2010 as extended by the letters of extension dated 12.03.2012 and 01.04.2014. The Arbitration Agreement is contained in Clause XV of the Agreement.
2. Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide its notice dated 29.05.2018. The respondent, vide its reply dated 29.06.2018 refuted the claims of the petitioner and nominated an Arbitrator. As the parties could not consent on the appointment of the Arbitrator, the present petition has been filed.
3. Counsels for the parties submit that the parties may be referred to the Delhi International Arbitration Centre (DIAC) for appointment

of an Arbitrator.

4. In view of the above and as the existence of the Arbitration Agreement and due invocation thereof are not in dispute, the parties are referred to the DIAC, where they shall appear on 15th January, 2018 at 2.00 p.m.

5. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes between the parties in relation to the abovementioned Agreement and extensions thereof.

6. The arbitration proceedings and the fees shall be governed by the DIAC rules.

7. The parties shall be free to raise all their claims and counter claims before the Arbitrator so appointed.

8. The petition is disposed of in the above terms with no order as to costs.

NAVIN CHAWLA, J

DECEMBER 20, 2018
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