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

+ CS(COMM) 357/2017

BEML LTD. Plaintiff

Through Mr.Varun Shankar, Adv.

versus

NORTH DMC & ORS. Defendants

Through Mr.Sunil Goel, Standing Counsel
with Ms.Supreet Bambra and Mr.Mayank
Goel, Advs., for D-1/North DMC
Mr.G.D.Mishra, Adv. for D-2/EDMC
Mr.Aditya Chandra, Adv. for D-3/SDMC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.11.2018

IA.Nos. 14514/2017 and 4823/2018

Pursuant to the last order dated 16.11.2018, the defendants have filed a rejoinder which contains the certified copy of the agreement dated 11.03.2008.

The learned counsel for the plaintiff has submitted that he has inspected the original record and submits that the record contains the original agreement.

A perusal of the arbitration agreement shows that the disputes pending between the parties are to be referred to the Commissioner, Municipal Corporation or nominee of the said Commissioner. Under the Amended Arbitration and Conciliation Act, 1996, such an appointment would be hit by Schedule VII of the Arbitration and Conciliation Act.

Accordingly, the parties are referred to the Delhi International Arbitration Centre, New Delhi (*in short* 'DIAC'). The DIAC may nominate appropriate arbitrator from its panel.

The parties to appear before the DIAC on 18.12.2018 at 2:15 P.M.

The applications stand disposed of.

CS(COMM) 357/2017

In view of the above order passed today in IA.Nos. 14514/2017 and 4823/2018, the suit stand disposed of. All pending applications, if any, also stand disposed of.

As the matter has been referred to the DIAC, under section 89 CPC, the plaintiff is entitled to refund of the court fees.

JAYANT NATH, J.

NOVEMBER 27, 2018/v