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

+ ARB.P. 659/2016

M/S AIM CONSULTANT PVT. LTD. Petitioner

Through: Mr Manish Khurana, Advocate for
Mr Rajeev Saxena, Advocate.

versus

GURU TEG BAHADUR HOSPITAL Respondent

Through: Mr Hananjaya Mishra, Advocate with
Mr Pushp Raj Yadav, Pairvi Officer,
Legal Assistant, GTB Hospital.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.05.2018**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to the agreement dated 01.04.2014 (hereafter 'the Agreement'). The Agreement includes an arbitration clause. Further, it is also not disputed that the arbitration clause has been invoked by the petitioner. The learned counsel appearing for the petitioner states that the disputes between the parties were referred to mediation and are at the final stage and the same are likely to be resolved within a short time.
2. The present petition was moved before this Court on 25.10.2016 and has been pending for almost one and a half years. Given that there is no dispute as to the existence of the arbitration clause and that it had been

validly invoked, this Court does not consider it apposite to defer the appointment of an arbitrator any further. Accordingly, with the consent of the parties, it is directed that the arbitrator be appointed by the Delhi International Arbitration Centre (DIAC). The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

3. However, with a view to provide the parties final opportunity to settle their disputes, it is directed that no steps would be taken for appointment of an arbitrator by DIAC till 20.08.2018. If the parties are able to resolve the disputes amicably before the said date, the same shall be communicated to the Coordinator, DIAC failing which the parties shall appear before him on 20.08.2018 at 11:00 AM for further proceedings.

4. The petition is disposed of.

VIBHU BAKHRU, J

MAY 18, 2018
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