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

+ **ARB.P. 705/2018**

FOUNDATION BRAKES MANUFACTURING PVT LTD

..... Petitioner

Through: Mr.Rajat Sehgal, Adv.

versus

GLOBAL ENERGY PRIVATE LIMITED Respondent

Through: Mr.Tanmaya Mehta & Mr.Mimash
Jha, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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26.09.2018

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 relation to the Power Supply Facilitation Agreement dated 01.02.2014. The said Agreement contains an Arbitration Agreement in form of Clause 13 thereof.

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide notice dated 05.05.2018. The respondent, vide its reply dated 05.06.2018, while not denying the existence of the Arbitration Agreement, did not agree with the proposed name of the Arbitrator. The petitioner, therefore, filed the present petition seeking appointment of an Arbitrator as the parties have failed to agree on the name of the Arbitrator.

The counsels for the parties submit that the parties may be referred to

the Delhi International Arbitration Centre (DIAC) with a direction to appoint an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement.

In view of the above submission, the parties are directed to appear before the DIAC on 12th October at 2:00 p.m. The DIAC shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreement. the DIAC Rules as to procedure and fee shall apply to such arbitration proceedings.

The petition is allowed in the above terms, with no order as to cost.

NAVIN CHAWLA, J

SEPTEMBER 26, 2018/rv