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

+ **ARB.P. 101/2018 & I.A. 1830-1831/2018**

FORT INTERNATIONAL ACADEMY Petitioner
Through **Mr. Ashutosh Dubey with Mr. Sachin Patil, Advs.**

versus

EDU SMART SERVICES PVT.LTD & ANR. Respondents
Through **Mr. Ravee J Kumarr, Adv.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **20.03.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner praying therein that the parties be referred to the Delhi International Arbitration Centre (DIAC) for appointment of an Arbitrator for adjudicating the disputes that have been arisen between the parties in relation to the agreement dated 24.02.2012.

The agreement contains an Arbitration Agreement between the parties in form of Clause 9.1 thereof.

The learned counsel for the respondent submits that he has no objection if the parties are referred to the Delhi International Arbitration Centre (DIAC) for appointment of an Arbitrator for adjudication of the disputes. He further submits that as another Arbitrator namely, Mr. Pankaj Chopra, had been unilaterally appointed by the respondent, he has no objection if his mandate is formally terminated.

In my opinion, the appointment of Mr. Pankaj Chopra, Advocate having being unilaterally made by the respondent, he is *de jure* incapable of proceeding with the alleged reference. Accordingly, the mandate of Mr. Pankaj Chopra, Advocate to act as an arbitrator for adjudicating the disputes between the parties, is formally terminated and the parties are directed to appear before the Delhi International Arbitration Centre (DIAC) on 12th April, 2018 at 02:00 PM. Delhi International Arbitration Centre (DIAC) shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above mentioned agreement. The arbitration and the fee shall be governed by Delhi International Arbitration Centre (DIAC) Rules.

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

Dasti.

NAVIN CHAWLA, J

MARCH 20, 2018

Pallavi