

\$~2

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

+ **ARB.P. 765/2017 and IA No. 14056/2017**

PARIVAR SEVA SANSTHA

..... Petitioner

Through: Mr Mayank Kumar and Mr Shambhu
Chaturvedi, Advocates.

versus

MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA & ORS.

..... Respondents

Through: Mr Vinod Diwakar, CGSC with Ms
Titasha Banerjee, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.05.2018**

1. The petitioner has filed the present petition under Section 11(6) 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 captioned "Contract for Implementation of Targeted Condom Social Marketing Programme in 16 high Priority districts of Odisha" (hereafter 'the Agreement') entered into between the parties on 27.04.2012. The Agreement includes an arbitration clause, the relevant extract of which is quoted below:-

"8.2 Arbitration: In the case of dispute arising upon or in relation to or in connection with the contract between the Employer and the Consultant, which has not been settled amicably, any party can refer the dispute for Arbitration under (Indian) Arbitration and Conciliation Act, 1996. Such disputes shall be referred to on Arbitral Tribunal consisting of 3 (three) arbitrators, one each to be appointed by the Employer and the Consultant, the third arbitrator shall be chosen by the two

arbitrators so appointed by the parties and shall act as Presiding Arbitrator. In case of failure of the two arbitrators, appointed by the parties to reach a consensus regarding the appointment of the third arbitrator within a period of 30 days from the date of appointment of the two arbitrators, the Presiding arbitrator shall be appointed by the Secretary of the Ministry / Department. The Arbitration and Conciliation Act, 1996 and any statutory modification or re-enactment thereof, shall apply to these arbitration proceedings.”

2. There is no dispute as to the existence of the arbitration agreement (clause). The learned counsel appearing for the parties also state that instead of an Arbitral Tribunal of three members, a sole arbitrator be appointed to adjudicate the subject disputes.
3. With the consent of the parties, it is directed that a sole arbitrator be appointed by the Delhi International Arbitration Centre (DIAC). The arbitration shall be conducted under the aegis of DIAC in accordance with its Rules.
4. It is clarified that all rights and contentions of the parties are reserved.
5. The parties are directed to appear before the Coordinator, DIAC on 25.05.2018 at 11:00 AM for further proceedings.
6. The petition and the application are disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

MAY 10, 2018
RK