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

+ **ARB.P. 697/2017**

PRASAR BHARATI

..... Petitioner

Through Mr Virag Gupta, Mr Gaurav Pathak,
Ms Vanya Gupta, Advocates.

versus

CITYCOM NETWORKS PVT. LTD.

..... Respondent

Through Mr Surendra Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.05.2018

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), praying that an arbitrator be appointed to adjudicate the disputes that have arisen between the parties in relation to an agreement dated 25.09.2017 (hereafter 'the Agreement'). The Agreement includes an arbitration clause, which is set out below:-

"In the event of any dispute difference or question among between the parties to the agreement in connection with this agreement or concerning anything therein contain or in correction with or arising out of this agreement or as to the rights, liabilities or duties of the said parties herein under, which cannot be mutually resolved by the parties, the same shall be referred to the arbitration. Appointment of the sole arbitrator shall be on mutually agreed terms and upon failure shall be in accordance with the terms of arbitration and conciliation, 1996. One Executive Officer of Prasara Bharati shall have the right to

appoint the Arbitrator under prior intimation to Spectranet.”

2. The learned counsel appearing for the respondent does not dispute the existence of the arbitration agreement or that it has been validly invoked. He states that the claims are barred by limitation and it reserves the right to agitate the same before the Arbitral Tribunal.
3. With the consent of the parties, it is directed that a sole arbitrator be appointed by the Delhi International Arbitration Centre (DIAC) for adjudication of the disputes that fall within the scope of the aforementioned arbitration clause. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
4. The parties are directed to appear before the Co-ordinator, DIAC on 05.06.2018 at 11:00 AM.
5. It is clarified that all rights and contentions of the parties are reserved.
6. The petition is disposed of.
7. Order *dasti*.

VIBHU BAKHRU, J

MAY 28, 2018

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