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

+ **ARB.P. 702/2017**

UPPAL BUILDERS PVT. LTD.

..... Petitioner

Through: Mr L.B. Rai, Mr Kartik Rai and Mr
Syed Kamran Ali, Advocates.

versus

JAYPEE GREENS

..... Respondent

Through: Mr Lovkesh Sawhney, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2018

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 are stated to have arisen between the concerned parties in respect of Work Orders dated 01.01.2011 and 01.09.2010.
2. Both the aforesaid Work Orders include an identically worded arbitration clause that reads as under:-

“38.0 Dispute Resolution

In the event of any difference or dispute arising between the parties, the same shall be referred to the sole arbitration of an arbitrator to be appointed by the Chairman of JG. The sole arbitrator shall adjudicate upon the disputes and give its award/decision, which shall be final and binding upon the parties. The arbitration proceedings shall be held in New Delhi and

in accordance with the provisions of Arbitration and Conciliation Act, 1996.”

3. The learned counsel appearing for the respondent does not dispute the existence of the arbitration clauses. He, however, states that since the claims involved in both the work orders are about ₹10,00,000/-, the parties should endeavour to resolve their disputes amicably.
4. The parties are agreeable that in the event the disputes are not resolved amicably, the same be referred to the arbitration under the aegis of Delhi International Arbitration Centre (DIAC).
5. In view of the above, the parties are directed to appear before Coordinator, DIAC on 01.05.2018. The arbitrator shall be appointed under the Rules of DIAC. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.
6. In the meanwhile, the parties are also referred to Delhi High Court Mediation and Conciliation Centre (DHCMCC) for attempting to resolve their disputes amicably. The parties shall appear before DHCMCC on 12.03.2018 at 03:30 p.m.
7. The parties shall endeavour to resolve their disputes amicably. If the disputes are resolved amicably, the same will be communicated to the Coordinator, DIAC and he would not be required to take any further steps in furtherance of the arbitral proceedings. However, if the parties are unable to resolve their disputes by 27.04.2018, the parties shall appear before the Coordinator, DIAC as directed.
8. It is clarified that all rights and contentions of the parties are kept

open.

9. The petition is disposed of.

FEBRUARY 28, 2018
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VIBHU BAKHRU, J