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

+ **ARB.P. 730/2017**

SHIVENDRA PRATAP SINGH Petitioner
Through: Mr Manu Yadav, Advocate.

versus

**ELARA MARKETING SERVICES PRIVATE
LIMITED** Respondent
Through: Ms Shipra Choudhry, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.05.2018**

1. The petitioner has filed the present petition under Section 11(5) 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 Employment Agreement dated 01.10.2014 (hereafter 'the Agreement'). The Agreement contains an arbitration clause, which is set out below:-

“9.8 Jurisdiction and Dispute Resolution

This Agreement shall be governed by and construed in accordance with the laws of India and shall be under the exclusive jurisdiction of the High Court of Delhi. Any dispute between the Parties shall be finally settled through arbitration conducted in New Delhi in accordance with the Arbitration and Conciliation Act, 1996. A sole arbitrator shall be appointed jointly by the Parties within 30 days of either Party requesting the other to suggest or approve a sole arbitrator. If the Parties fail to agree on a sole arbitrator within the 30 day period abovementioned then any of the Parties may request the High Court of Delhi to

appoint the arbitrator.”

2. The learned counsel appearing for the respondent does not dispute the existence of the arbitration clause or that the same has been validly invoked.
3. In view of the above, a sole arbitrator is required to be appointed to adjudicate the disputes between the parties. The learned counsel for the parties request that the arbitrator be appointed by the Delhi International Arbitration Centre (DIAC) and the arbitration be conducted under its rules.
4. In view of the consensus between the parties, DIAC is directed to appoint an arbitrator. The arbitration shall be conducted under the aegis of DIAC in accordance with its rules.
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 is disposed of.

VIBHU BAKHRU, J

MAY 10, 2018
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