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

+ **ARB.P. 733/2017**

BHABANI UDYOG

..... Petitioner

Through: Mr.Javendur Rahman &
Mr.Shivendra Singh, Advs.

versus

GEM BATTERIES PVT. LTD.

..... Respondent

Through: Mr.Ehtesham Hashmi & Ms.Deepa
Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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06.04.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking appointment of a Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the Agreement dated 20.01.2016 executed between the parties. The said agreement contains an Arbitration Agreement in form of Clause 6.2 thereof, which is reproduced herein below:-

“6.2 That in the event of any dispute, arising out of or in relation to or with the agreement the same shall be decided by arbitration in accordance with the provisions of arbitration act 1940 as amended”

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement by way of its notice dated 01.05.2017. The respondent by its reply dated 29.05.2017 did not agree to the Arbitrator proposed by the petitioner.

Upon notice being issued on this petition, the respondent entered appearance and submitted that it would first explore the possibility of arriving at an amicable settlement. The settlement between the parties could not be arrived at.

As the existence of the Arbitration Agreement and invocation thereof is not denied by the respondent, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the above mentioned agreement.

The learned counsel for the respondent submits that parties may be referred to the Delhi International Arbitration Centre (hereinafter referred to as the 'DIAC') for appointing a Sole Arbitrator and for conduct of the arbitration proceedings. The counsel for the petitioner is agreeable to the said suggestion.

Accordingly, the parties are directed to appear before the DIAC on 25th April, 2018 at 3:00 p.m. 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 the DIAC rules.

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

Dasti.

NAVIN CHAWLA, J

APRIL 06, 2018/rv