

\$~10

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

+ ARB.P. 794/2017

DR. LAL PATHLABS LIMITED

..... Petitioner

Through Ms. Shweta Bharti, Mr. Neelesh
Sinha and Mr. P. Aggarwal, Advs.

versus

NMC IMAGING AND DIAGNOSTICS CENTRE Respondent

Through Ms. Jyoti Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

17.04.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') 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 Memorandum of Understanding (MOU) dated 28th June, 2012. The said MOU contains an Arbitration Agreement between the parties under the Heading 'Governing law and dispute resolution', which reads as under:-

'Governing law and dispute resolution

The provisions and implementation of this MOU shall be governed by the laws of Republic of India.

All or Any disputes, claims arising out of this arrangement but could not be settled by means of dispute resolution meetings shall be resolved by means of arbitration by submitting the dispute for the arbitration of a mutually agreed sole arbitrator in accordance with the Arbitration and Conciliation Act, 1996 as amended or reconstituted from time to time and the

proceedings of Arbitration shall be conducted at New Delhi, India in English Language.”

The petitioner invoked the Arbitration Agreement by its letter dated 13th June, 2015 followed with the legal notice dated 19th December, 2016.

The respondent having failed to respond to the same, the present petition was filed.

In spite of opportunity having been granted, the respondent has not filed any reply to the present petition.

The learned counsel for the respondent submits that the respondent shall have no objection if the parties are referred to Delhi International Arbitration Centre (DIAC) for appointment of the Arbitrator and adjudication of the disputes that have arisen between the parties. The counsel for the petitioner agrees to this suggestion.

Accordingly, the parties are directed to appear before the DIAC on 3rd May, 2018 at 2.00 PM. The DIAC shall appoint a Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The Arbitration and the fee shall be governed by DIAC Rules.

The petition is disposed of in above terms with no orders as to costs.

Dasti.

NAVIN CHAWLA, J

APRIL 17, 2018/sd