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

+ ARB.P. 853/2018

SARVESH SECURITY SERVICES PVT.LTD Petitioner

Through: Mr.Arjun Mitra, Ms.Aastha Jain,
Ms.Sneha Singh, Ms.Jaskaran Kaur,
Ms.Rohni Gupta, Advocates along
with Col. S.N.P. Singh, Director of
the petitioner company in person

versus

COMMANDING OFFICER Respondent

Through: Mr.Praveen Kumar Jain,
Mr.Lokendra Singh, Advocates along
with Lt.Cdr. Chetan Bagai.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **17.12.2018**

I.A.16535/2018

1. The petitioner is seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.
2. Learned counsel for the respondent does not dispute the existence of an arbitration agreement reproduced in para 5 of the petition. Learned counsel for the respondent, however, submits that the petitioner's claims are time barred.
3. Learned counsel for the petitioner submits that under Section 11 (6A) of the Arbitration and Conciliation Act, this Court has to confine to the examination of the existence of the arbitration agreement.
4. Learned counsel for the respondent submits that the respondent be permitted to appoint the arbitrator in terms of the arbitration agreement

which is opposed by learned counsel for the petitioner who submits that the petitioner invoked the arbitration by notice dated 17th September, 2018 which was duly received by the respondent on 24th September, 2018 but the respondent chose not to respond to the said notice. It is further submitted that the respondent has lost its right to appoint an arbitrator and an independent arbitrator be appointed by this Court under Section 11 of the Arbitration and Conciliation Act

5. The petition is allowed and this case is referred to the appointment of an arbitrator to Delhi High Court International Arbitration Centre. The Delhi High Court International Arbitration Centre shall appoint an arbitrator to adjudicate the claims and counter claims, if any of the parties. The objection of limitation of the respondent shall also be considered and adjudicated by the learned arbitrator.

6. The arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre (DAC).

7. Copy of this order be sent to Delhi International Arbitration Centre (DAC).

8. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

DECEMBER 17, 2018

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