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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 524/2017 & I.A. No.14965/2017
MORINGO ORGANICS PVT. LTD.

..... Petitioner
Through Mr. P.D. Gupta, Sr. Adv with
Mr.Ankit Parashar, Mr. Dinesh
Sabhawal and Mr. Dhrubajit Sakia,
Advts.

versus

INDOMEDIX & ORS.

..... Respondents
Through Mr. D.D. Dayani, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.07.2018**

1 Pursuant to the last order passed by this Court on 14.03.2018, learned counsel for the respondents has returned with instructions. Learned counsel says that the respondents will not manufacture the products which are objected to by the petitioner. The said statement is taken on record.

2 Furthermore, learned counsel for the parties are agreeable to appointment of an Arbitrator by this Court. In fact, I am told, that the petitioner has filed a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short '1996 Act') which is numbered as Arb. Petition No.484/2018. I am informed that in this petition, notice has been issued by a Coordinate Bench.

2.1 Since the respondents were not present in Court, the matter, I

am informed, has been posted by the Coordinate Bench for further proceedings on 14.08.2018.

3 However, in this matter, the respondents are represented, as indicated above, by counsel who is agreeable to appointment of an Arbitrator by this Court.

4 Therefore, as agreed, Hon'ble Mr. Justice Anil Dev Singh, former Chief Justice, Rajasthan High Court is appointed as an Arbitrator in the matter. Learned counsel for the parties are also agreed that the arbitration be held under the aegis of Delhi International Arbitration Centre (in short 'DIAC'). It is also agreed by counsel for the parties that the Rules and the Fee Schedule of the DIAC will govern the arbitration proceedings.

5 Thus, the petition is disposed of with a direction, based on the aforesaid agreement reached between the counsel for the parties.

6 Hon'ble Mr. Justice Anil Dev Singh will act as an Arbitrator in the matter. The DIAC Rules and Fee Schedule will be applicable to the arbitration proceedings.

7 Pending disposal of the arbitration proceedings, the statement made on behalf of the respondents, which is reflected in paragraph 1 above, will continue to operate.

8 In these circumstances, learned counsel for the petitioner, will have Section 11 proceedings pending before the Coordinate Bench disposed of in terms of the order passed today.

RAJIV SHAKDHER, J

JULY 11, 2018/A