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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 742/2017

ASIA PACIFIC INSTITUTE OF MANAGMENT Petitioner
Through : Mr.Ravi Kumar and Mr.L.K.Passi,
Advocates.

versus

CHANDRA PRAKASH JARWAL & ANR. Respondents
Through : Mr.N.P.Rakesh Panicker, Mr.Nishad
Livingstone, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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07.02.2018

The petitioner filed this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred as 'the Act') for appointment of the arbitrator.

Undisputedly, the disputes between the parties pertains to the lease deed dated 17.03.2015 as well as subsequent agreement dated 19.03.2015 and both of them contains the identical arbitration clause as clauses No.21 and 35 respectively, which notes as under:-

"21. That all disputes and differences whatsoever which may arise between the parties hereto in this connection with this agreement or interpretation and effect thereof or in connection with the right and obligations of the parties hereto, at any time hereafter (whether during the continuance and in force of this agreement or upon or after its discharge or determination) shall be referred to arbitrator according to the Arbitration Act 1996. In case both parties do not agree to single Arbitrators each will appoint one

arbitrator and both appointed Arbitrator will appoint umpire, who shall be free to adopt any method or mode, and his / their decision shall be final and binding on parties.”

The learned counsel for the respondents concedes to the existence of the disputes and arbitration agreement, between the parties. He further submits that he has no objection, if this Court appoints an arbitrator to adjudicate upon the disputes between the parties.

In view of the above facts and statement of the learned counsel for the respondent, Mr.Amar Nath, District Judge (Retd.) (Mobile No.9958697030) is hereby appointed as an arbitrator to adjudicate upon the disputes between the parties. The proceedings be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and the fee shall be paid as per the Fee Schedule of DIAC. Parties to appear before the co-ordinator of the Delhi High Court Arbitration and Conciliation Centre on 28.02.2018 at 12.00PM.

Petition stands disposed of.

YOGESH KHANNA, J

FEBRUARY 07, 2018

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