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

+ ARB.P. 803/2017

B. N. ENTERPRISES

..... Petitioner

Through: Mr.Sandeep Bisht and Mr.Manish
Kataria, Advs.

versus

BLENDZ FOODS PRIVATE LIMITED

..... Respondent

Through: Mr.Bharat Grotra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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13.03.2018

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 Consortium Agreement dated 07.05.2014.

Consortium Agreement contains an Arbitration Agreement between the parties in form of Clauses 12 and 13, which are reproduced herein below:

"12. DISPUTE RESOLUTION

In the event of any dispute or difference between the Parties in respect of this Agreement, or the rights, duties or liabilities of the Parties hereto under this Agreement, the same shall be referred to arbitration by a sole arbitrator to be appointed by mutual written consent of both the parties and the arbitration shall be conducted in accordance with the provisions of Arbitration and Conciliation Act, 1996.

13. NOTICE:

Any notices or requests or permitted to be given under or in connection with the subject matter of this Agreement shall be sent by registered or certified airmail, facsimile transmission or telex.

If to BLENDZ FOODS: (vikram@refuel.in)

If to B.N.ENTP. :(manishkataria.1992@gmail.com.

All disputes relating to or arising out of this Agreement shall be subject to the exclusive jurisdiction of the appropriate court at New Delhi only.”

The disputes having arisen, the petitioner invoked the Arbitration Agreement vide its notice dated 09.02.2016, which was sent to the respondent on 10.03.2017. Having received no reply to the same, the present petition was filed by the petitioner.

Upon notice being issued by the Court of the present petition, the respondent entered appearance on 12.01.2018. In spite of opportunity being granted, no reply has been filed by the respondent.

Learned counsel for the respondent submits that the respondent could have no objection if the parties are referred to Delhi International Arbitration Centre (DIAC) for appointment of a Sole Arbitrator and for conduct of the arbitration proceedings. Learned counsel for the petitioner is agreeable to the said suggestion.

Accordingly, parties are referred to DIAC where they shall appear on 21st March, 2018 at 2.00 p.m. DIAC shall appoint a Sole Arbitrator for adjudicating the disputes between the parties. The arbitration and the fee shall be governed by the rules of the DIAC.

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

Dasti.

NAVIN CHAWLA, J

MARCH 13, 2018/Arya