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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 821/2017

POONAM MITTAL

..... Petitioner

Through: Ms.Suruchi Mittal & Mr.Abhishek
Gautam, Advs.

versus

CREATE ED PVT. LTD.

..... Respondent

Through: Mr.Kuldeep Singh Rathor, Adv.
(Enrolment No.D/661/2013)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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19.01.2018

This petition under Section 11 of the Arbitration and Conciliation Act, 1996, has been filed by the petitioner seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Franchise Agreement dated 04.07.2014.

The Franchise Agreement contains an Arbitration Agreement in form of Article 26(3) thereof, which is reproduced herein under:-

“ARTICLE 26

APPLICABLE LAW AND SETTLEMENT OF DISPUTES

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3. Arbitration: All disputes and differences arising between the parties hereto as also between the Franchisor and the Franchisee, including any dispute or difference in regard to the interpretation of any provision or term or the meaning thereof, or in regard to any claim of one party against the other or in regard to the rights and obligations of any party or parties under this agreement shall be governed by the

provisions of the Arbitration and Conciliation Act, 1996 and its amendments thereof absolutely and fully. The Arbitrator in such situations will be solely appointed by the Franchisor regarding the matter in consideration will be final and binding on both the parties.”

Upon issuance of notice on the petition, the counsel for the respondent has entered appearance. He submits that the respondent has no objection to the appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties.

In view of the above and with the consent of the parties, the parties are referred to the Delhi International Arbitration Centre (DIAC), who shall appoint a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Franchise Agreement dated 04.07.2014. The Arbitration and the fee shall be governed by the DIAC Rules. The parties shall appear before the DIAC on 1st February, 2018 at 3:00 p.m.

The petition is disposed of in the above terms with no order as to cost.
Dasti.

NAVIN CHAWLA, J

JANUARY 19, 2018/rv