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

+ **ARB.P. 844/2017**

MICROMAX INFORMATICS LIMITED Petitioner

Through Mr Mudit Sharma, Ms Snigdha Sharma,
Advocates.

versus

STAR MOBITELE LIMITED Respondent

Through Mr Vishesh Issar, Advocate with
Mr Mohit Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.03.2018**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that a sole arbitrator be appointed to adjudicate the disputes that have arisen between the parties in connection with an agreement dated 01.10.2014 (hereafter 'the Agreement'). The Agreement contains an arbitration clause, which is set out below:-

“24. Any dispute and/or difference, at any time, arising by and between the parties hereto in respect of this Agreement shall be settled by Arbitration in accordance with the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof for the time being in force, to be held at Delhi and to be conducted in the English Language.”

2. The learned counsel appearing for the respondent does not dispute the existence of the arbitration agreement or that the same had been invoked by

the petitioner by a letter dated 10.10.2017. He, however, states that certain disputes are pending between the parties before the National Company Law Tribunal (NCLT).

3. Since there is no dispute as to the existence of the arbitration agreement, this Court is of the view that an Arbitrator is required to be appointed. Accordingly, Ms. Justice Rekha Sharma, Retired. Judge, Delhi High Court (Mobile No. 9871300025) is appointed as the sole arbitrator to adjudicate the disputes between the parties in relation to the Agreement including all claims and counter claims. With the consent of the parties, the parties are referred for arbitration before the Delhi International Arbitration Centre (DIAC). The arbitration shall be conducted under the aegis of DIAC and its Rules.

4. The representatives of the parties shall appear before the Coordinator, DIAC on 23.03.2018 at 11.00 a.m. It is clarified that all contentions of the parties are reserved.

5. The petition is disposed of.

VIBHU BAKHRU, J

MARCH 15, 2018

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