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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 198/2019**
WOG TECHNOLOGIES.PVT.LTD. Petitioner
Through: Mr. Amarjit Singh, Adv.

versus

KINGS INDUSTRIES Respondent
Through: Mr. Gaurav Duggal, Adv.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.03.2019**

I.A. 4454 /2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

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2. The present petition has been filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator. The existence of the arbitration agreement is not disputed by the Respondent. The arbitration clause as contained in the purchase order dated 6th May 2017, reads as under:

“10.0 ARBITRATION

WOG and Vendor shall make every effort to resolve amicably by direct informal negotiation any disagreement or dispute arising between them either under or in connection with the Contract. If after 30 days from the commencement of such informal negotiations, WOG and Vendor have been unable to resolve amicably a Contract dispute, the same shall be referred for resolution to a single arbitrator in case the parties can agree upon. Otherwise, to two arbitrators, one to be appointed by each party and an umpire to be appointed by the two arbitrators. The arbitration shall be carried out in accordance with and subject to

the provisions of the Indian Arbitration and Conciliation Act, 1996, or any statutory modification or re-enactment thereof for the time being in force. The decision of the Arbitrator/umpire shall be final and binding upon both parties. The venue for Arbitration shall be New Delhi. Execution of the Contract shall be continued by vendor during the arbitration proceedings unless otherwise agreed mutually. Based on the foregoing, please sign the duplicate copy of the Purchase Order and return to us as a token of your acceptance for our reference and records.”

3. Learned counsel for the parties jointly pray that in view of the value of the potential claims, a sole arbitrator be appointed for the adjudication of the disputes and differences that have arisen between the parties. The parties are also agreeable for the arbitration to be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and agree to be governed by the DIAC rules.
4. in view of the consent of the parties and having regard to the fact that the agreement does contains an arbitration clause, the court sees no impediment for appointment of an Arbitrator. Accordingly, it is directed that an Arbitrator be appointed under the Rules of the DIAC. The representatives of the parties shall appear before the Co-ordinator, DIAC on 15th April at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules. The Arbitrator shall issue declaration under Section 12 of the Act before entering into representation.
5. The petition is disposed of in above terms. The Registry is directed to send a copy of this order to the co-ordinator, DIAC.

SANJEEV NARULA, J

MARCH 27, 2019/Pallavi