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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 17.09.2019

+ ARB.P. 204/2019, I.A. No. 8000/2019 (Delay 2 days in filing
rejoinder)

M/S PVR LIMITED

..... Petitioner

Through: Mr. Tanuj Khurana, Mr. Jaskaran
Singh, Mr. Hitesh Kaushik, Advocates

versus

M/S MMR SAHA INFRASTRUCTURE

PRIVATE LTD. & ANR.

..... Respondents

Through: Mr. H.L. Raina and Mr. Shekhar
Budakoti, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. This petition has been filed under Section 11 of the Arbitration & Conciliation Act, 1996 ('Act') seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to a Memorandum of Understanding ('MOU') dated 02.11.2016 executed between the petitioner and the respondent.
2. The said MOU contains an Arbitration Clause which is reproduced hereinbelow:

“Any dispute or difference arising between the parties shall be resolved amicably at the first instance. Unresolved disputes, controversies, contests, disputes, if any, shall be submitted to arbitration. The arbitration shall be conducted in accordance with the provisions of the Arbitration & Conciliation Act, 1996, along with the rules framed thereunder and any amendments thereto by a sole arbitrator appointed mutually by both parties. The

arbitration shall be conducted in English. The decision/award of the arbitrator shall be final/conclusive and binding on the Parties. The seat of the arbitration shall be at New Delhi.”

3. The petitioner invoked the Arbitration Agreement vide its notice dated 04.02.2019 and while nominating its Arbitrator called upon the respondent to either agree upon the Arbitrator nominated by it or to nominate an Arbitrator to act on its behalf. The notice was received by the respondent on 06.02.2019, but despite an expiry of thirty days, there has been no response from the respondent.
4. Mr. H.L. Raina and Mr. Shekhar Budakoti, Advocates appearing on behalf of the respondents submit that they have no objection to the petition being allowed and the Arbitrator being appointed by this Court. The counsels, however, submit that the proceedings should be conducted under the aegis of the Delhi International Arbitration Centre (‘DIAC’).
5. With the consent of the parties, the parties are referred to the DIAC where they shall appear on 16.10.2019 at 2 p.m. DIAC shall appoint a Sole Arbitrator for adjudicating the disputes between the parties.
6. The Arbitration proceedings and the fee shall be governed by the Rules of the DIAC.
7. With the above directions, the petition is disposed of.
8. A copy of this order be sent to the DIAC for information and necessary action.

JYOTI SINGH, J

SEPTEMBER 17, 2019

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