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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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Date of order: 29.08.2019

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ARB.P. 406/2019

COMMUNITY WORKS WELFARE SOCIETY Petitioner

Through: Mr. Animesh Khanna and Osama
Suhail, Advocates

versus

SHRI KRISHNA ELECTRICAL Respondent

Through: Mr. Abhishek Yadav, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

JYOTI SINGH, J. (ORAL)

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying for appointment of a Sole Arbitrator for adjudication of the disputes between the parties arising out of an agreement dated 23.06.2017.

The petitioner had entered into an agreement with the respondent on 23.06.2017 to render distribution services in the State of Odisha. The petitioner avers that the required goods were delivered to the respondent between the period 04.08.2017 to 12.12.2018 worth Rs. 8,67,45,260/-. However, the entire payment was not made to the petitioner.

The petitioner avers in the petition that repeated follow-ups for compliance of the terms of the agreement and release of payments failed and the petitioner then sent an arbitration notice on 04.03.2019 to the respondent invoking the arbitration clause.

Since the respondent failed to appoint an Arbitrator, the present
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petition has been filed. The relevant arbitration clause is reproduced hereinunder:

"This Agreement shall be governed by the laws in India. In the event of any dispute, difference or question which may at any time arise between the parties hereto or any person claiming under them, touching or arising out of or in respect of this agreement or the subject matter thereof or the commission of any breach, interpretation, operation, effect of any term(s)/clause(s) thereof compensation payable thereof or in any manner whatsoever in connection with it be referred to sole Arbitrator who shall have seat at Delhi. The Decision or award so given shall be binding on the parties hereto."

Mr. Abhishek Yadav, Advocate has entered appearance on behalf of the respondent on an advance copy. He submits that he has no objection if the petition is allowed and Sole Arbitrator is appointed in terms of the arbitration clause. Learned counsels for the parties submit that the Arbitrator be appointed by the Delhi International Arbitration Centre (DIAC).

With the consent of the parties, the parties are referred to the DIAC, where they shall appear on 4th September, 2019 at 2 p.m. The 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.

With the above directions, the petition is disposed of.

Dasti.

JYOTI SINGH, J

AUGUST 29, 2019
pkb/rd