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

+ **ARB.P. 819/2018**

MINDCHAMPION LEARNING SYSTEMS LTD Petitioner

Through: Mr. Avanish Kumar, Adv.

versus

ST. CATHERINE'S INTERNATIONAL PUBLIC
SCHOOL

..... Respondent

Through: Mr. (appearance not given)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.04.2019**

1. The notice of the present petition was served upon the Respondent for 8th January, 2019. However, there was no appearance and adverse orders were deferred. Today, again, there is no appearance on behalf of the Respondent.

2. Learned counsel for the Petitioner has drawn the attention of this Court to Arbitration Clause -12.1 contained in Agreement dated 17th February, 2016 which is reproduced here under;

“12.1 Arbitration: All disputes, difference or disagreement arising out of, in connection with or in relation to this Agreement shall be finally decided by the sole independent arbitrator nominated by CEO of MLSL The arbitration shall be held in accordance with the Arbitration and Conciliation Act, 1996 in force as on the date of the invocation of the arbitration. The venue of arbitration shall be New Delhi. The language of arbitration shall be English. The arbitral award shall be final and binding on both parties.”

3. It is submitted that despite rendering service to Respondents and raising invoices, the Respondent has failed to pay the outstanding dues to the Petitioner/company. Several demands were raised by the Petitioner, however, the payments continues to be outstanding. Ultimately, the Petitioner/company vide order notice 10th August, 2018 invoked the Arbitration Clause and proposed that the matter be referred to Delhi International Arbitration Centre (DIAC) to arbitrate the disputes that have arisen between the parties. However, there was no response to the said notice.

4. In view of the afore-going, the Court is satisfied that there is no impediment in appointing the Arbitrator in view of the Arbitration agreement between the parties.

5. 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 25th April 2019 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

6. The parties are directed to appear before the Arbitrator as and when notified. Learned Arbitrator will issue a declaration under Section 12 read with the attendant provisions of the 1996 Act before entering upon reference.

7. Registry is directed to send a copy of this order to the Respondent.

8. Accordingly, the petition is allowed.

APRIL 09, 2019
Pallavi

SANJEEV NARULA, J