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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10183/2017 & CM APPL. 41580/2017, 15074/2018**

SPARKLE ASSOCIATES

..... Petitioner

Through Mr Debasish Mohapatra, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr Manisha Agarwal, Advocate for
R1.

Mr K.P. Gautam, Advocate for AIIMS.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.02.2019**

1. The learned counsel appearing for the respondent nos. 2 to 4 states that the contract between the parties has an arbitration clause, which would also cover the disputes with regard to blacklisting. He has referred to Clause 79 of the Agreement dated 15.02.2016, which indicates that the contractor may be blacklisted in the event of non-commencement or unsatisfactory performance of the work contract. According to the said respondents, the action against the petitioner has been taken pursuant to Clause 79 of the said Agreement. The petitioner claims otherwise. It is the petitioner's case that the action is entirely malafide and was taken on the day of expiry of the terms of the contract.

2. Be that as it may, since the dispute is covered by an arbitration

clause, this Court considers it apposite that the aforesaid disputes be also decided in arbitral forum. The learned counsel appearing for the parties state, on instructions, that the disputes be referred to Delhi International Arbitration Centre (DIAC). In this view, with the consent of parties, it is directed that the disputes between the parties shall be decided by arbitration under the aegis of DIAC and in accordance with its rules. The parties are directed to appear before the Coordinator, DIAC on 08.03.2019 at 11 .00 a.m. for further proceedings.

3. It is further directed that the interim order passed by this Court on 20.11.2018 shall continue for a further period of six weeks from today. This is subject to any further order that may be passed by the arbitral tribunal so appointed.

4. The petition is disposed of in the aforesaid terms. All pending applications are disposed of.

VIBHU BAKHRU, J

FEBRUARY 25, 2019

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