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

+ **ARB.P. 263/2021**

M/S HIMGIRI AUTOMOBILES PRIVATE LIMITED

..... Petitioner

Through Mr. Manish Dhir, Adv.

versus

RAM AVTAR YADAV & ORS.

..... Respondents

Through Ms. Sneha Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

18.11.2021

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(Video-Conferencing)

1. Learned counsel for the parties *ad idem* agree for reference of the disputes to arbitration, the only caveat of Ms. Sneha Pandey, learned counsel for the respondents, being that respondents should also be permitted to prefer counter claims, in the arbitral process.

2. Mr. Dhir, learned counsel appearing for the petitioner, has no objection.

3. Both counsels are agreeable to the matter being referred to the Delhi International Arbitration Centre (DIAC), to appoint a suitable arbitrator to arbitrate on the disputes between the parties. As such, keeping alive all questions of fact and law, as well as all defences on both sides open for agitation in the arbitral process, and without expressing any opinion on the merits or the maintainability of the

ARB.P. 263/2021

Page 1 of 2

claims/counter-claims being sought to be agitated, this petition is disposed of by referring the disputes between the parties to the DIAC, to appoint a suitable arbitrator to arbitrate on the disputes between the parties.

4. The arbitration would take place under the aegis of the DIAC and would abide by its rules and regulations.

5. The fees of the arbitrator would also be as per the Schedule of Fees maintained by the DIAC.

6. This petition stands disposed of in the aforesaid terms.

NOVEMBER 18, 2021
dsn

C. HARI SHANKAR, J.

नित्यमेव जयते