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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 944/2023

GANNON DUNKERLY AND CO. LTD.

..... Petitioner

Through: Mr. Shiv K. Tyagi, Mr. Ishaan
Tyagi, Advocates.

versus

NMC INDUSTRIES PRIVATE LIMITED

..... Respondent

Through: Mr. Sanjeev V. Bindal, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.01.2024

1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of Arbitral Tribunal comprising of a sole Arbitrator to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into an Agreement/Work Order dated 30.08.2021. It is submitted that the said Agreement/Work Order contains an arbitration clause (Clause 27 of General Conditions of Contract), which provides that all disputes, with respect thereto shall be referred to arbitration as per provisions of the Act, and further provides that the place of arbitration would be at Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide legal notice dated 18.01.2023, to which no response has



been received.

4. Mr. Sanjeev V. Bindal, learned counsel for the respondent, has entered appearance pursuant to notice issued on 13.09.2023, and submits that the respondent has no objection to the appointment of an arbitrator.

5. With the consent of learned counsel for the parties, all claims and counterclaims arising out of the agreement dated 30.08.2021 are referred to arbitration of Mr. Ramesh Singh, Senior Advocate [Tel: 9810071712].

6. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"]. The proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

7. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

8. It is made clear that this Court has not adjudicated the rights and contentions of the parties, including as to maintainability of the claims and on merits. All rights and contentions are reserved for adjudication by the learned Arbitrator.

9. The petition stands disposed of with these directions.

PRATEEK JALAN, J

JANUARY 10, 2024
"Bhupi"/