



The facts have been set out in the impugned judgment and hence we are not repeating the same here.

It appears that there was an arbitration agreement between the parties. Hence, in our opinion, the writ petition itself should not have been entertained by the High Court. We order accordingly.

In the result, we allow this Appeal and set aside the impugned judgment of the Division Bench of the High Court as well as the judgment of the learned single Judge passed in the writ petition.

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Now, we appoint Hon'ble Mr. Justice Arun Kumar, a former Judge of this Court, as sole arbitrator in the matter. His Lordship may fix his own terms of emoluments.

The parties shall appear before His Lordship on 15.03.2011 at 11 a.m.

Let a copy of this Order be sent to Hon'ble Mr. Justice Arun Kumar.

.....J.  
(MARKANDEY KATJU)

.....J.  
(GYAN SUDHA MISRA)

NEW DELHI;  
FEBRUARY 18, 2011.

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