

1

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ ARB.P. 93/2011

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH Petitioner
Through: Ms.Poonam, Advocate

versus

M/S AVESTHAGEN LIMITED Respondent
Through

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI

ORDER
15.11.2011

%

This is a petition under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an arbitrator. On the last date of hearing i.e. on 16.08.2011 four weeks time was granted to the respondent to file reply. None has appeared on behalf of the respondent, despite the matter being passed over once and called a second time. No reply has been filed.

Counsel for the petitioner submits that parties had entered into an agreement by which the petitioner had advanced a sum of Rs.2.66 crores to the respondent and thereafter by a supplementary agreement another sum of Rs.75.0 lakhs was advanced to the respondent, making a total sum of Rs.3.41 crores. Counsel for the petitioner has also drawn attention of the court to clause 15 of the agreement as per which the disputes between the parties are to be resolved through arbitration. Copy of the agreement has been placed on record.

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

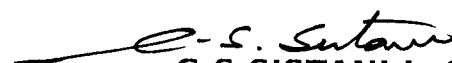
Counsel for the petitioner submits that since the disputes between the parties had arisen, a notice dated 29.04.2010 was issued calling upon the respondent to pay the total amount, failing which matter be referred to arbitration. It is submitted that one of the members of the arbitral tribunal (Professor G.Padmanabhan) has conveyed his regret to act in the arbitral tribunal.

In the absence of opposition to this petition, the same is allowed. Accordingly, Justice Y.K. Sabharwal, former Chief Justice of India (Cell No.9873988884, Res./Off.40817362), is appointed as sole arbitrator to adjudicate upon disputes and differences, claims and counter claims between the parties. Fee of the Arbitrator shall be borne by the parties equally as per the schedule maintained by Delhi High Court Arbitration Centre. The Arbitrator shall give prior notice to the parties before commencing the proceedings. Petition stands disposed of. Let a copy of this order be sent directly to learned Arbitrator.

NOVEMBER 15, 2011

ssn

ARB.P. 93/2011


G.S.SISTANI,J