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

+ ARB.P. 453/2012

THERMAX LTD

..... Petitioner

Through Mr.Ramji Srinivasan, Sr. Adv. with
Mr.R. Sudhinder & Ms.Kabita Das,
Adv.

versus

M/S INDIAN OIL CORPORATION LTD

..... Respondent

Through Mr.Divjyot Singh, Adv. with
Mr.Gurpreet Singh, Adv.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN SINGH****ORDER**

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21.05.2013

The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of a sole independent arbitrator with regard to the dispute of arbitration arising out of and in relation to Fax of Acceptance dated 10th October, 2008 for supply of Fired Heaters Ton No.036-FF-001 & Ton No.056-F-0.

The petitioner has provided the details of its claim in the notice dated 13th July, 2012 issued by the petitioner to the respondent. By way of said notice, the petitioner also called upon the respondent to pay the amount within 14 days from the date of receipt of said notice and to withdraw the demand for ₹36,19,553/- on account of alleged short deduction and also sought the recovery of ₹4,17,213 and ₹4,62,384/- along with interest @24% on account of the monies receivable from the respondent.

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On the last date, learned counsel for the respondent made his submission sometime for the prayer made. After some arguments, he was agreeable to take instructions from his client with regard to the appointment of an independent sole Arbitrator as per the suggestion given by the learned counsel for the petitioner.

When the matter is taken up today, the learned counsel for the respondent submits that if the order passed on suggestion made by the petitioner's counsel is not set as a precedent in other matter of his client, the respondent is then agreeable for appointment of the sole independent Arbitrator by this Court to adjudicate the disputes between the parties. Ordered accordingly.

In view of the abovementioned reasons, Justice Usha Mehra (former Judge of this Court, C-1/36, Safdarjung Development Area, New Delhi, Mobile No.9818421144/26531100) is appointed as sole Arbitrator to adjudicate the disputes between the parties. The Arbitrator shall conduct the proceedings under the provisions of Arbitration and Conciliation Act, 1996 and shall also issue prior notice to both the parties before commencement of the proceedings. The fees of the Arbitrator be also paid under the Rules of Delhi High Court Arbitration Centre.

The petition is disposed of in the above said terms.

A copy of this order be communicated to the learned Arbitrator as well as the Secretary to the Arbitration Centre forthwith. Copies of the same be also given *dasti* to the learned counsel for the parties.

MAY 21, 2013/jk

MANMOHAN SINGH, J. 17