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

+ ARB.P. 509/2012

M/S APPLIED TECHNO PRODUCTS PVT LTD Petitioner
Through Mr.Gurinder Pal Singh, Adv. with
Mr.Mishal Vij, Adv.

versus

M/S ALSTOM PROJECTS INDIA LTD Respondent
Through Ms.Shally Bhasin, Adv. with
Mr.Lakshmesh Kamath & Mr.Umang
Gupta, Advs.

+ ARB.P. 511/2012

M/S APPLIED TECHNO PRODUCTS PVT LTD Petitioner
Through Mr.Gurinder Pal Singh, Adv. with
Mr.Mishal Vij, Adv.

versus

M/S ALSTOM PROJECTS INDIA LTD Respondent
Through Ms.Shally Bhasin, Adv. with
Mr.Lakshmesh Kamath & Mr.Umang
Gupta, Advs.

+ ARB.P. 512/2012

M/S APPLIED TECHNO PRODUCTS PVT LTD Petitioner
Through Mr.Gurinder Pal Singh, Adv. with
Mr.Mishal Vij, Adv.

versus

M/S ALSTOM PROJECTS INDIA LTD Respondent
Through Ms.Shally Bhasin, Adv. with
Mr.Lakshmesh Kamath & Mr.Umang
Gupta, Advs.

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CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **23.05.2013**

The abovementioned three petitions have been filed by the petitioner under Section 11(5) of the Arbitration and Conciliation Act, 1996 for appointment of an independent sole Arbitrator.

As per the petitioner, it is a leading supplier of utility products, engineered systems and electrical lab equipments since the year 1994. The respondent Company is involved in engineering, manufacturing, project management and supply of power generation, transmission and transport sector requirements. The petitioner had been making supplies to the respondent since the year 2009 in terms of various Purchase Orders issued by the respondent from time to time. It is further submitted that the respondent, sometime in the year 2010, approached the petitioner for purchase of further electrical materials. Accordingly, purchase orders were issued by the respondent in favour of the petitioner, which are the subject matter of these petitions. The petitioner had been issuing running bills to the respondent from time to time. Despite the petitioner submitting the statement of account, the respondent failed to make payments due to the petitioner, for which the petitioner is raising the claims/disputes qua purchase orders in question, the details of which are given in para-12 of the respective petitions.

It is also submitted by the petitioner that the disputes and differences have arisen between the parties to the arbitration agreement embodied in the Clause 33 of the Arbitration Clause, as stipulated in General Terms and Conditions of Contract and the same are liable to be resolved through

arbitration. The petitioner invoked the arbitration clause by its notice dated 12th October, 2012 which was duly replied to. However, both the parties have failed to arrive at a common name for appointment of Arbitrator. Hence, the petitioner has filed these petitions for appointment of an independent sole Arbitrator to adjudicate upon the disputes between the parties.

Upon notice, the respondent has filed counter-affidavits in the petitions. As per the respondent, no amount is outstanding or due from the respondent.

During the course of arguments, learned counsel for the respondent is agreeable that these petitions be referred to arbitration and she has no objection if an independent sole Arbitrator is appointed by this Court. Justice M.K.Sharma, former Judge of the Supreme Court of India (R/o S-306, Panchsheel Park, New Delhi, Mob.No.9818000190) is appointed as a sole Arbitrator to adjudicate upon all the disputes and differences between the parties as mentioned in this petition, including their claims and counter-claims. The Arbitrator shall conduct the proceedings under the Arbitration and Conciliation Act, 1996 and shall give prior notice to the parties before commencement of the proceedings. The fees of the learned Arbitrator shall be payable according to the schedule of fees fixed by Delhi High Court Arbitration Centre under its rules.

The petitions are disposed of in the above said terms.

Copies of this order be given *dasti* to the learned counsel for the parties. A copy of the same be also communicated to the learned sole Arbitrator.


MANMOHAN SINGH, J.

MAY 23, 2013/ka