

GAHC010232502023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.P./40/2023

M/S EDUCOMP SOLUTIONS LIMITED
HAVING ITS REGISTERED OFFICE AT 1211, PADMA TOWER-1, 5, RAJENDRA
PLACE, NEW DELHI-11008 AND CORPORATE OFFICE AT PLOT NO-514,
UDYOG VIHAR PHASE - III, GURUGRAM, HARYANA-122001 AND IS
REPRESENTED BY ITS SENIOR MANAGER, SHRI SANTOSH TIWARI, S/O
LATE RAM JAWAHA TIWARI, WORKING AT PLOT NO-514, UDYOG VIHAR
PHASE - III, GURUGRAM, HARYANA-122001

VERSUS

ASSAM ELECTRONICS DEVELOPMENT CORPORATION LIMITED
INDUSTRIAL ESTATE, BAMUNIMAIDAN, GUWAHATI 781021, ASSAM

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : MR K L GUPTA

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

23.02.2024

Heard Mr. GN Sahewalla, learned Senior counsel assisted by Mr. M Sahewalla,
learned counsel for the petitioner. Also heard Mr. KL Gupta, learned counsel for

the respondent.

2. The present application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (as amended) has been filed for appointment of an arbitrator. It is the case of the petitioner that a work contract was executed between the petitioner and the respondent on 23.03.2012 for procurement of educational services and supply & maintenance of ICT hardware and accessories. The estimated cost of the project was Rs. 209,74,60,000/-. Certain dispute arose as regards payment of the outstanding dues. Accordingly, a notice as prescribed under Clause 26 of the contract was issued demanding referral of the dispute for arbitration. Though dispute was notified, however, said dispute could not be resolved. Accordingly, notice dated 19.01.2023 was issued by the petitioner to the respondent for appointment of arbitrator. However, when arbitrators were not appointed within the prescribed period, the present petition is filed.
3. Notices were duly served on the respondent. Mr. KL Gupta, learned counsel has entered appearance on behalf of the respondent. Mr. Gupta submits on instruction that respondent is having no objection for resolving the dispute through arbitration as provided in clause 24 of the contract agreement.
4. Perused the said agreement. There is no dispute either as to the validity of the said arbitration clause or as to the arbitrability of the dispute.
5. Mr. Gupta further submits that he has no objection if Hon'ble Mr. Justice MA Ali (retired Judge) of this Court is appointed as an arbitrator.
6. Mr. Sahewalla also submits that he has also no objection if Hon'ble Mr. Justice MA Ali (retired Judge) of this Court is appointed as an arbitrator.
7. In view of the aforesaid consensus, this application is disposed of by appointing Hon'ble Mr. Justice MA Ali (retired judge) of this Court as an arbitrator. Registry to communicate this order to Hon'ble Mr. Justice MA Ali (retired Judge) of this Court. Parties may appear before the learned Arbitrator on a consensus date to

be arrived at by the parties.

JUDGE

Comparing Assistant