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

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Rev. Pet. No. 72/2015 in Arb.P. No. 586/2014

M/S. TEJ DIGITAL NETWORK

..... Petitioner

Through: Mr. Yashish Chandra and Mr. Alok
Shankar, Advocates.

versus

INDIVERS BROADBAND (P) LTD. & ANR. Respondents

Through: Mr. Ajit Kakkar, Advocate for
Respondent No.1/Review Petitioner in Rev.
Petition No.72/2015.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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25.08.2015

Rev. Pet. No. 72/2015 in Arb.P. No. 586/2014

1. The only point urged by the Respondent/ Review Petitioner in this review petition is that both in terms of Clause 14.3 of the Agreement to Transfer Assets and Clause 9.3 of the original Business Appreciation Rights Agreement, both dated 11th April 2013, there has to be a three member Arbitral Tribunal ('AT') with one member being appointed by each of the parties. This is not disputed by the counsel for the Petitioner.

2. In that view of the matter, the order dated 28th January 2015 is modified

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as under:

(i) Justice S.N. Aggarwal, a former Judge of this Court, residing at Flat No. 302, Block 4, IInd Floor, 19 Rajpur Road, Delhi-110054 is appointed as the nominee Arbitrator of the Petitioner.

(ii) Justice M.L. Mehta, a former Judge of this Court, residing at H-34, Jangpura Extension, New Delhi-110014 is appointed as nominee Arbitrator of the Respondent.

(iii) Justice Manmohan Sarin, former Chief Justice of the High Court of Jammu & Kashmir, is appointed as the Presiding Arbitrator of the Arbitral Tribunal (AT) as constituted above.

(iv). The arbitration shall take place under the aegis of the Delhi International Arbitration Centre ('DAC'). The fees of the AT will be in terms of the Delhi International Arbitration Centre Arbitration Proceedings (Arbitrators' Fees) Rules.

3. The interim order is vacated. The review petition is disposed of in the above terms.

4. A copy of this order be delivered to the AT as well as Additional

Coordinator, DAC forthwith.

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S. MURALIDHAR, J

AUGUST 25, 2015/dn