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

+ **FAO(OS) 241/2015 & CM 7969/2015**

BHARAT SANCHAR NIGAM LTD

..... Appellant

Through : Mr Chandan Kumar

versus

CANARA BANK & ANR

..... Respondents

Through : Mr Pradeep Dewan, Sr Advocate with
Ms Anupam Dhingra for R-1.
Mr Sunil Sabharwal with Mr Parvesh Khanna,
Mr Anish K. Gupta, Ms Poorva Khandekar,
Abhishek Khanna, Mr Chirag Babbar and
Mr Rahul Sabharwal for R-2

+ **FAO(OS) 366/2015**

RENEWABLE ENERGY SYSTEMS LIMITED

..... Appellant

Through : Mr Sunil Sabharwal with Mr Parvesh Khanna,
Mr Anish K. Gupta, Ms Poorva Khandekar,
Abhishek Khanna, Mr Chirag Babbar and
Mr Rahul Sabharwal

versus

BHARAT SANCHAR NIGAM LTD & ANR

..... Respondents

Through : Mr Chandan Kumar for R-1/BSNL.
Mr Pradeep Dewan, Sr Advocate with
Ms Anupam Dhingra for R-2/Canara Bank

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.12.2015

When FAO(OS) 241/2015 came up for hearing before this Bench, for the first time, on 01.05.2015, after hearing the learned counsel for BSNL, we issued notice, restricted to the contents of paragraph 51 of the impugned judgment, wherein an arbitrator had been directed to be appointed other than in terms of the arbitration clause.

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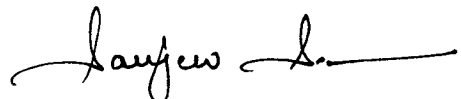
We had made it clear that in all other respects, the impugned order did not warrant any interference.

In the course of hearing, it transpired that, by the agreement of parties, an independent arbitrator, preferably a former judge of this Court, could be appointed as the sole arbitrator to adjudicate the disputes between the parties in terms of the directions given by the learned Single Judge in paragraph 51. The learned counsel for BSNL has indicated that a decision has been taken by BSNL on 30.11.2015, a copy of which has been handed over to us and the same is taken on record, that the competent authority has conveyed an approval to appoint Justice Manju Goel, a former judge of this Court (residing at R-128, Greater Kailash-I, First Floor, New Delhi-110048) as the sole arbitrator to adjudicate the disputes between the parties. The learned counsel appearing for Canara Bank as well as Renewable Energy Systems Limited have also taken instructions and they concur on the appointment of Justice Manju Goel, a former judge of this Court, as the sole arbitrator.

Consequently, with this modification in the impugned judgment, the appeals are disposed of. It is also made clear that the consequential compensation claimed by Renewable Energy Systems Limited would also be examined by the learned Arbitrator. But, the said issues would be decided, as directed by the learned Single Judge, on the basis of the existing material. The other directions of the learned Single Judge, as contained in paragraph 51, are reiterated. Another modification in the impugned order is to the effect that the learned Arbitrator shall fix her own fees.

The appeals stand disposed of.


BADAR DURREZ AHMED, J


SANJEEV SACHDEVA, J

DECEMBER 08, 2015
SR