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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 43/2016

PEC LTD.

..... Petitioner

Through: Mr Arvind Chaudhary and Ms Asha
Chaudhary, Advs.

versus

PBR IMPEX PVT. LTD & ORS.

..... Respondent

Through: Mr Kuljeet Rawal, Adv.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.12.2016

1. Without prejudice to their respective contentions and rights, learned counsel for both the parties agree that this Court can appoint a sole Arbitrator notwithstanding the arbitration clause in the settlement and other agreements envisages a three-Member Arbitral Tribunal. They also agree that this Court may appoint Justice Usha Mehra, a former Judge of this Court as a sole Arbitrator to adjudicate the disputes arising out of the aforesaid agreements.

2. Accordingly, the Court appoints Justice Usha Mehra, a former Judge of this Court (Mobile No. 9818421144) as a sole Arbitrator to adjudicate the disputes between the parties, including their claims and counter-claims. The learned Arbitrator shall fix her own terms and communicate them to the parties. The parties are directed to appear before the learned Arbitrator on

17th January, 2017 at 4 pm or such changed time and/or date that the learned Arbitrator finds convenient which will be communicated to the parties at least ten days in advance. The venue for the first hearing will be fixed by the Petitioner and communicated to the learned Arbitrator and the Respondent at least one week prior to the date fixed. The expenses for the hearing incurred shall be equally shared by the parties.

3. The learned Arbitrator will proceed in terms of the requirements of the Arbitration and Conciliation Act, 1996 as amended with effect from 23rd October, 2015 before commencement of the arbitration.

4. The petition is disposed of in the above terms. Order be given *dasti*. A certified copy of this order be delivered forthwith to Justice Usha Mehra.

S.MURALIDHAR, J

DECEMBER 20, 2016

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