

\$~6

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

+ **ARB.P. 251/2016**

ISGEC COVEMA LIMITED.

..... Petitioner

Through : Mr Manish Srivastava and Mr Rahul
Malhotra, Advocates.

Versus

M/S. AVANTHA POWER &
INFRASTRUCTURE LIMITED

..... Respondent

Through : Mr D.K. Malhotra and Mr Rajesh Kr
Malhotra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

27.07.2016

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

The petitioner submits that the disputes have arisen pursuant to the tender issued in March, 2007. It is stated that the petitioner is a diversified global engineering company based in India, which is engaged in providing services like erection, commissioning, testing and setting of process Equipment, EPC Power Plants, Boilers, Sugar Plants & Machinery, Mechanical & Hydraulic Presses, Trading, etc. to customers. It is stated that pursuant to a tender document bearing No. BILT/BHU/EXP/001 of March, 2007 relating to fabrication, erection and commissioning of machinery and equipment for 1 No. for 175 TPH, CFBC Boiler at Village Bhadalwadi near Bhigwan, Taluka Indapur, District Pune, Maharashtra, a Work Order bearing No. BPL/BHIGWAN/ EXP/44 dated 05.11.2007 was issued. It is stated that certain disputes in relation to the said Work Order

have arisen between the parties which are required to be referred to Arbitration. It is stated that the petitioner issued a notice dated 19.03.2015 invoking the Arbitration clause.

The learned counsel for the Respondent does not dispute that the disputes between the parties are liable to be resolved by way of Arbitration. But, it reserves the right to raise all contentions before the Arbitral Tribunal. Learned counsel for the parties also jointly submit that under the Arbitration Agreement, the Arbitral Tribunal is to consist of three members. However, they request that a sole arbitrator may be appointed to adjudicate the disputes between the parties with the consent of the parties. Accordingly, this court appoints Mr Justice V. K. Shali (Retired), Mobile No. 971749500 as an Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims.

8. The fees of the Arbitrator shall be in terms of the Schedule IV to the Arbitrator and Conciliation Act, 1996.

Copy of the order be given *dasti* to the counsel for the parties under the signature of the Court Master. A copy of this order be also sent to the Arbitrator.

VIBHU BAKHRU, J

JULY 27, 2016

pkv