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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 250/2016

ISGEC HEAVY ENGINEERING LIMITED Petitioner
Through : Mr Manish Srivastava and Mr Rahul
Malhotra, Advocates.

Versus

M/S. AVANTHA POWER & INFRA
STRUCTURE LIMITED Respondent
Through : Mr D.K. Malhotra and Mr Rajesh Kr
Malhotra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.07.2016

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

It is stated that the petitioner is a diversified global engineering company based in India, which is multi-product, multi-location public company providing engineering products such as process Equipment, EPC Power Plants, Boilers, Sugar Plants & Machinery, Mechanical & Hydraulic Presses, Steel & Iron Castings, Contract Manufacturing and Trading etc.

The respondent issued a tender bearing No. BILT/BHU/EXP/001 in March, 2007 relating to design, engineering, manufacturing and supply of the Machinery and equipment for 175 TPH, CFBC Boiler at BILT Power Limited Village, Bhadalwadi near Bhigwan, Taluka Indapur, District Pune. The petitioner participated in the bidding process and a purchase Order No.

CPO/MI/BPL-BHIGWAN/XXXXXX/69018 dated 15.10.2007 was issued on the Petitioner. It is stated that certain disputes in relation to the said Purchase Order have arisen between the parties which are required to be referred to Arbitration. It is further stated that the petitioner has also 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. The learned counsel for the parties also 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. Accordingly, this court appoints Mr Justice V.K. Shali (Retired) (Mobile No. 9717495000) as a Sole 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

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