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

+ O.M.P.(I) (COMM.) 166/2016 & I.A. No.9672/2016

VVC REALINFRA PRIVATE LIMITED Petitioner
Through Mr.Rajiv Nayar, Sr. Adv. with
Mr.Divyakant Lahoti & Mr.Saurabh
Seth, Advs.

versus

GAIL INDIA LIMITED & ORS. Respondents
Through Mr.A.K. Tewari, Adv. for R-1.
Mr.Gulshan Chawla, Adv. with
Mr.Siddarth, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **30.08.2016**

The petitioner has filed the abovementioned petition under Section 9 of Arbitration and Conciliation Act, 1996. On 5th May, 2016 the following order was passed:

“Issue notice. Learned counsel appearing on behalf of the respondents accept notice and seek time to file the reply. Let the reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.

The respondent No.1 has not denied the fact of having signed the certificate of completion of work. It is also a matter of fact that interim order was passed by the High Court of Madhya Pradesh Bench at Gwalior earlier which was extended for a period of two weeks as per the last order passed by the Court on 20th April, 2016. Copy of the order is placed on record.

Till the next date of hearing, subject to keeping the Bank Guarantee, being No. 06790100000096 which is

expiring on 30th June, 2016, alive for a further period of three months, the interim order earlier passed by the High Court of Madhya Pradesh Bench at Gwalior on 1st February, 2016 shall continue.

Dasti under the signatures of the Court Master.”

Learned counsel for the petitioner has suggested three names of the arbitrator. Let anyone out of them be appointed as sole arbitrator to adjudicate the disputes between the parties. Both counsel agree that interim order passed on 5th May, 2016 may continue during the pendency of the arbitration proceedings subject to the condition that the petitioner shall keep the bank guarantee alive during this period.

With the consent of the parties, the prayer made in the petition is allowed. Justice Rekha Sharma, Retired Judge of this Court (Mobile No. 9871300025) is appointed as the sole Arbitrator to adjudicate the disputes arising out of the agreement in question between the parties. The parties are also allowed to file their respective claims and counter-claims before the Arbitrator.

The Arbitrator shall ensure the compliance of the provisions of Arbitration and Conciliation (Amendment) Act, 2015 before commencing the arbitration. The fees of the learned Arbitrator shall be in terms of the schedule of the amended Act. The parties to appear before the Arbitrator on 16th September, 2016 for directions.

Subject to the petitioner's keeping the bank guarantee alive, the interim order passed on 5th May, 2016 shall continue during the pendency of the arbitration proceedings until the said order is modified/vacated by the Arbitrator if any application is filed on behalf of the respondents.

The petition is accordingly disposed of.

Copy of this order be given *dasti* to the learned counsel for the parties and a copy thereof be delivered to the learned Arbitrator.

MANMOHAN SINGH, J.

AUGUST 30, 2016/vp