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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
24 & 25

+ **O.M.P.(I) (COMM.) 288/2016**

MOORGATE INDUSTRIES INDIA PRIVATE LIMITED

..... Petitioner

Through: Mr. Lokesh Bhola, Mr. Sanchit, Mr.
Vinayak Kapur, Advocates.

versus

JINDAL STAINLESS LIMITED

..... Respondent

Through: Mr. Abhimanyu Bhandari, Mr. Chetan
Lokur, Mr. Nattasha Garg, Advocates.

And

+ **O.M.P.(I) (COMM.) 333/2016**

JINDAL STAINLESS LIMITED

..... Petitioner

Through: Mr. Abhimanyu Bhandari, Mr. Chetan
Lokur, Mr. Nattasha Garg, Advocates.

versus

MOORGATE INDUSTRIES INDIA PVT. LTD

..... Respondent

Through: Mr. Lokesh Bhola, Mr. Sanchit, Mr.
Vinayak Kapur, Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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16.11.2016

1. Both the parties have agreed that this Court may appoint a sole Arbitrator notwithstanding that the arbitration clause in the agreement envisages a three-member arbitral tribunal.

2. The Court, accordingly, proposes Mr. Justice Manmohan Sarin, a former Chief Justice J&K High Court (Mobile No. 9818000210) as the sole Arbitrator to adjudicate the disputes between the parties including their claims and counter-claims. In the first instance, the proposed Arbitrator will make a disclosure in terms of Section 11 (8) read with Section 12 (1) of the Act and, thereafter, enter upon reference. In the event the disclosure is not made within a reasonable time or such disclosure discloses the inability of the proposed Arbitrator to act as such, it will be open to the parties to apply to this Court for directions. The proposed Arbitrator shall fix his own terms and communicate them to the parties.

3. Subject to compliance of the above, the parties are directed to appear before the proposed Arbitrator on 19th December, 2016 at 4 pm or such changed time and/or date that the proposed Arbitrator finds convenient which will be communicated to the parties at least ten days in advance. The venue for the first hearing will be arranged by the Petitioner and communicated to the proposed Arbitrator and the Respondent at least one week prior to the date fixed. The expenses for the hearing shall be equally shared by the parties.

4. If an application is filed by either party under Section 17 of the Act for interim reliefs, not later than a period of four weeks from today, the proposed Arbitrator will endeavour to dispose it off within a further period of three months.

5. The petition is disposed of in the above terms. A certified copy of this

order be delivered to the Mr. Justice Manmohan Sarin forthwith.

S. MURALIDHAR, J

NOVEMBER 16, 2016

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