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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 612/2016

HARISH CHANDRA (INDIA) LTD Petitioner

Through: Mr. Anurag Pandey with Ms. Reena
Pandey, Advocates.

versus

THE GENERAL MANAGER & ANR Respondents

Through: Mr. J.K. Singh, standing counsel with
Mr. Praveen Kumar, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.10.2016

IA Nos. 12179/2016 & 12180/2016 (for exemptions)

1. Allowed subject to all just exceptions.

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2. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking the appointment of an Arbitrator to adjudicate the disputes between the parties arising out of the Contract Agreement dated 9th December 2009.

3. The said agreement contains an arbitration clause. The Petitioner sent a legal notice 29th March 2014 to the Respondent seeking reference of the disputes to the arbitration. Till date there is no response to the said letter.

4. The fact that there is an arbitration clause and that the Petitioner sent a legal notice invoking it to which no reply was filed remains uncontroverted.

5. Learned counsel for the Respondent seeks time to obtain instructions. There was sufficient time for this purpose and therefore, the Court does not propose to grant any further time to the Respondent.

6. Accordingly, the Court proposes Mr. Raj Kumar Sharma, former Additional District Judge (Mobile No. 9871369899), residing at A-106, South City-II, Sohna Road, Gurgaon 122018 be appointed as an Arbitrator to adjudicate the disputes between the parties including claims and counter-claims. The arbitration shall take place under the aegis of the Delhi International Arbitration Centre (DAC). The fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules. In the first instance the proposed Arbitrator will make a disclosure to the DAC in terms of Section 11 (8) read with Section 12 (1) of the Act and thereafter enter upon reference. DAC will provide to the parties copies of the said disclosure. 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.

7. The petition is disposed of. A copy of this order be communicated to Mr. Raj Kumar Sharma as well as Additional Coordinator, DAC forthwith.

S.MURALIDHAR, J

OCTOBER 20, 2016/Rm