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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 610/2016

PIARA LAL SHARMA

..... Petitioner

Through: Mr. Bhupesh Narula, Advocate.

versus

MAHANAGAR TELEPHONE NIGAM LTD

..... Respondent

Through: Mr. Vivek Goyal, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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20.10.2016

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (Act) filed by the Petitioner against the Respondent seeking the appointment of an Arbitrator to adjudicate the disputes between the parties.
2. Learned counsel for the Respondent states that the Respondent has appointed an Arbitrator in terms of a letter dated 15th October 2016 which was issued after the present petition has been filed.
3. It is seen from the order dated 28th September 2016 that the Respondent was represented by its counsel and therefore, it was aware of this petition. With the request for appointment of an Arbitrator having been made by the Petitioner way back on 11th March 2016 and the failure by the Respondent to make an appointment thereafter within a reasonable time in terms of the arbitration clause, the Respondent has forfeited its right to appoint an arbitrator.

4. Accordingly, the Court proposes that Mr. Raghvendra K. Singh, Advocate (Mobile No. 9717572557) be appointed as the sole Arbitrator to adjudicate the disputes between the parties including claims and counter-claims. The fees is fixed at Rs. 35,000 which shall be shared equally by the Petitioner and the Respondent. This is apart from the expenses which will again be shared equally by the parties. In the first instance the proposed Arbitrator will make a disclosure to the parties 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.

5. The parties are directed to appear before Mr. Raghvendra Singh on 28th November 2016 at 4 pm or some other date and time convenient to him as may be intimated to the parties at least one week in advance at a venue to be arranged by the Petitioner, the expenses for which will be shared equally by the parties. The Petitioner should file its claims by that date. The Arbitrator will proceed on the affidavits filed by the parties and render the Award within a period of four months from the date of the first hearing.

6. The petition is disposed of in the above terms. Order be given *dasti*. A copy of this order be delivered to Mr. Raghvendra Singh forthwith.

S.MURALIDHAR, J

OCTOBER 20, 2016/Rm